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•• *It is particularly requested that any error or delay in the transmission of this Journal to Subscribers may be immediately communicated to the Editor.*

"QUERY" is informed that the "*Cases at Common Law specially interesting to Attorneys*" will be resumed on Nov. 14. We believe that the reports of the last year had been pretty well exhausted in these articles, and that it was not desirable to continue them during the Long Vacation.

## THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 24, 1857.

### BIRMINGHAM LAW REFORMERS.

The proceedings of the jurisprudence section of the Birmingham Association have ranged over almost every possible topic of law reform. From the minutest details of bankruptcy procedure up to the grandest schemes for the consolidation of all our tribunals, and the codification of all our law, nothing seems to have come amiss to Lord John Russell's parliament of lawyers. One gentleman extends his views to the entire amalgamation and fusion of existing courts, and suggests the appointment of a Royal Commission to settle the details of the projected reform, to introduce everywhere natural in place of artificial procedure, and to form one universal code of law and equity for all the dominions of the British Crown. The same class of ideas were developed, in another paper, into a scheme for what is termed the reformation of the law, which appears to include, in the author's conception, the creation of universal codes and "omni-competent" tribunals, the establishment of a methodical system of judicial statistics, and an elaborate and exhaustive mode of indexing the whole body of our law, which is expected to place its most hidden mysteries within the reach of every inquirer. Among the more definite projects, which belong rather to the law generally than to any special branch of it, we may notice, as an important and practical matter, the proposal to form a complete collection of judicial statistics, without which rational legislation on the administrative departments of the law is really impossible. The subject was pressed on the attention of Parliament by Lord Brougham in the course of the last session, and we are glad to see that the Association is lending its influence to the same cause. Perhaps the most novel of all the suggestions which the recent meeting has called forth, is a project for the foundation of a sort of law charity in the metropolis. The idea is to constitute a species of hospital for poor suitors, to be called "The Free Conference Hall," and to be supported by voluntary contributions, with such assistance towards building expenses as the Government may be disposed to give. The proposed society is to consist of some hundreds of barristers and solicitors, out of whom a sufficient number are to attend daily to afford to all comers legal advice and assistance, without a bill of costs; and, in certain special cases, it is intended that the institution should take upon itself the conduct of actual litigation on behalf of its unfortunate clients. This marvellous piece of philanthropy was ingeniously recommended by the supposed parallel cases of hospitals and dispensaries, and by a reference to the gratuitous

spiritual consolations sometimes administered by the clergy. We may, perhaps, be rather blind; but we really do not see the justice of this comparison, and with the utmost admiration for the large benevolence of the scheme, we confess we do not think that it is likely to be carried out, or to do much good if it were. The paper is, nevertheless, of use, in pointing out the very defective provisions for the conduct of litigation "*in formâ pauperis*," which might be materially improved by adopting something like the practice of the Scotch courts in this respect. The objects to be kept in view are, to provide the means of obtaining justice for *bonâ fide* applicants who may be too poor to proceed in the ordinary way, and, at the same time, to abate the nuisance of a class of poor litigants, who are sure to be tempted by the luxury of a law-suit that costs them nothing, to besiege the Courts with multitudes of imaginary grievances and unfounded claims. The Scotch system, which involves a preliminary inquiry before leave to sue *in formâ pauperis* is given, is said to work extremely well; and we might probably borrow some useful hints on this, as in other particulars, from beyond the Tweed. A proposal which was made for the introduction into England of the Scotch law of Summary Diligence on Bills of Exchange is not, however, among the points in which we think our law can be wisely assimilated to that of the sister country. The Act of last year has, we think, armed the creditor with ample powers; and if it is open to any objection, it is rather on account of its harshness to debtors than its inefficiency to enforce just obligations. The Scotch system is one degree more summary, inasmuch as it dispenses even with the writ, and enables the holder of a bill to proceed at once to actual execution. We can imagine many cases under the Scotch practice where there might be a perfectly good defence, although the rapidity of the process might prevent the alleged debtor from establishing it; and thus enable a collusive holder of a bill to recover under circumstances which, if ascertained in time, would have been a bar to his claim.

The two topics to which the section addressed itself with the greatest energy were, the transfer of land, on which a general resolution in favour of reform was come to, and the present condition of bankruptcy law and the Courts by which it is administered. We hope that the discussions which have taken place on this last subject, and the labours of the Committee, who have undertaken to prepare a Bill for the amendment of the procedure, will not be without fruit. It was to be expected, that, on a matter of pure detail, such as the mode of administering the estates that fall into the hands of the Court, some differences of opinion would exist; but there is much that is common to all the proposals of the various Chambers of Commerce that have taken up the subject, as well as to Lord Brougham's Bill, on which we commented in our number of September 5. It is agreed on all hands that the costliness of bankruptcy proceedings has the effect of keeping the majority of insolvent estates out of court, and that creditors prefer what is often an unequal and unsatisfactory composition under the management of trustees to the expensive justice of the Bankruptcy Commissioners. It is quite certain that a large proportion of the costs of bankruptcy are occasioned by the employment of unnecessary and overpaid officials; and, whatever may be the ultimate shape of the draft to be prepared under the auspices of the Association, it must, like Lord Brougham's Bill, provide a more or less sweeping remedy for such abuses. But it was not only on questions of administration that the Conference seemed disposed to support a modification of the law of bankruptcy. The abolition of the distinction between traders and non-traders was rather loudly called for by many of those who addressed the section; and, although it may be prudent not to endanger the

administrative reforms which are so urgently required by mixing them up with an independent question, we think that enough has transpired to show that the line at present drawn between bankrupts and insolvents is not destined long to hold its place in our jurisprudence. The theory of the bankruptcy law, if properly administered, seems to us to be more advantageous both to the debtor and creditor than the principle of the insolvency statutes; and we see no more reason for restricting its operation to traders than there was for another distinction of the same kind in the administration of a deceased person's real estate, which was removed from the Statute Book within a short time after the first legislation on the subject. In Scotland the estates of bankrupts and insolvents have already been put on the same footing, and we hope it will not be long before the example is followed here.

#### THE ETIQUETTE OF THE BAR.

In the last number of the *Law Magazine and Law Review* an article appeared on the Etiquette of the Bar, which contains remarks on the relations of attorneys to barristers, calling, we think, for some notice in the columns of this Journal. It is not our business to criticise the article generally; but we cannot avoid saying that we could have wished the subject treated in a broader spirit, with more definiteness of aim, and with a more direct and practical bearing on the difficulties which surround it. It is however, more, immediately within our province to advert to the tone in which solicitors are spoken of. They are treated as the natural enemies of the barristers, and the writer's object seems to be to expose the process by which they have gradually wrested from the bar certain portions of the domain which the bar once considered its own, and to devise means by which satisfactory reprisals may be made on the territory of solicitors. This is a mode of viewing the matter natural and perhaps suitable to the convivial disputants of a bar mess, but it is not favourable to the real adjustment of a very complicated question. On either side professional jealousies must be entirely put away.

The manner in which the writer deals with his subject is a very limited one, and on such subjects to be limited is to be wrong. He points out that local business is every year intrusted more entirely to the attorney alone. The County Courts, Courts of Bankruptcy and Insolvency, Courts of Revision, inquiries as to compensation under Railway Acts, inquiries before Admiralty Inspectors, cases and points disposed of by judges at chambers, all furnish fields of exertion and sources of gain appropriated to the attorney. The barrister is not employed because he is not wanted. One lawyer suffices, and of course the lawyer selected is the lawyer that can manage the whole business, see the client, collect evidence, and also go into court or before the presiding functionary. But, it is said, barristers suffer simply by their own choice, they are excluded merely by one of the rules of etiquette which they have made for their own guidance. The rule has not even the prestige of antiquity. Less than a century ago the distinction between the two branches of the profession was not laid down, and a play written in the reign of George III. describes how a serjeant and two counsellors attended for the purpose of getting a deed executed. If the bar, then, are injured by this rule, why should they not repeal it, and give themselves a fair chance in the sphere of local competition? This is the point to which the writer of the article referred brings his readers, and he leaves them to answer the question for themselves, excepting so far as they may be guided by his opinion, very evidently implied, that the change might be made without any difficulty or inconvenience.

The supposition is, that, if the rule were repealed

which forbids a barrister to communicate with his client directly, the balance of fortune between the local barrister and solicitor would be redressed, and everything else would remain as at present. The barrister would occupy a higher social position; he would retain all his privileges at assizes and sessions, and would have a large share of the business which now falls to the attorney. Even if, for a moment, we isolate this proposed change from the whole scope of the relations between the two branches of the profession, we very much doubt whether the calculation of what would take place is well founded. Supposing that the barrister really gained a great amount of business, and made a lucrative livelihood by the mere permission to communicate with his client, why should not every local lawyer be a barrister? It is much easier and cheaper to be a barrister than to be a solicitor. The expenditure of £150, and attendance at a few lectures, will make any one a barrister. An attorney has to pay, not only the stamp on his admission, but the stamp and generally a premium on his articles, and a yearly tax, and has also to undergo the trouble of preparing for an examination. At present, unambitious men prefer to be attorneys, although at a greater outlay of time and money, because they are almost certain of earning their bread directly they begin to practise; whereas a barrister has to wait. But if the barrister really competed with the attorney, the men who wanted to scramble cheaply into a little business would become barristers, not attorneys; and thus the prestige and social position of the bar would vanish at once in the provinces. To be a London barrister, might still place a man above one who was only a country attorney; but to be a country barrister, would give no superiority whatever. That there could be a class of men enjoying the position of barristers, and doing the work of country attorneys, is, we feel sure, a mere delusion.

Thus, if we look only to that range of professional occupation which is of such a nature that only one lawyer is required, we are obliged, if we make any change, to abandon all distinction between the barrister and attorney; and the one lawyer needed will be a man who has received a training much more closely resembling that received by an attorney than that received by a barrister. The leaders of the bar are quite aware of this, and know, that, if they relaxed the rule requiring the intervention of an attorney, the *status* of a barrister in the provinces would be at an end. But it would be very difficult to lay down any rule which should apply to the provinces only, and therefore the *status* of the whole branch of the profession would be lowered, and all the advantages arising, or supposed to arise, from a separation of the two branches, would be lost if provincial barristers were to do the work of attorneys. But even if this were not so, and the leaders of the bar were willing the rule should be repealed, we cannot admit that so important a part of the relation of barristers and attorneys is a mere piece of bar etiquette, to be altered by the bar at pleasure. Theoretically, this is certainly the case; but, practically, the general footing on which the two branches stand to each other is the result of a tacit compromise. Each permits the other to enjoy certain advantages in return for a monopoly granted to itself. If this compromise is disturbed, corresponding concessions will be demanded in favour of the branch injured by the disturbance. Barristers could only profit by the abrogation of the rule, if attorneys lost by it. Therefore, attorneys finding their position so far altered for the worse, would demand that they should be permitted to share in some of the privileges at present enjoyed exclusively by the bar. It would therefore be necessary to consider the whole subject of the relations existing between barristers and attorneys, and to examine the ground on which a separation is to be defended. If any one says that the separation is altogether a mistake, we know, of course, what

he wishes, and that he is prepared to see a really great and sweeping change. But we do not think it by any means so easy to change the position of the local bar as it may seem at first sight to be. This first change would involve others, and it is in determining the position of the heads of the two branches that the difficulty would really be felt. It is only when we reflect how great the difficulty is of deciding the proper relations of the men who have arrived at the top of their respective branches, how many interests the decision involves, and how seriously it affects the condition and progress of English jurisprudence, that we can estimate the impossibility of treating any important part of the present framework of the profession as really depending on the arbitrary canons of the etiquette of the bar.

### Legal News.

#### BANKRUPTCY COURT. — Oct. 17.

(Before Mr. Commissioner FANE.)

*In re Henry Bunney.*

The bankrupt, a solicitor, and made bankrupt as a scrivener and builder, applied for his certificate. He had carried on business at Newbury, and some years since left that place under mysterious circumstances, and in debt. He was shortly afterwards adjudicated bankrupt, and nothing was heard of him for some years; but he was afterwards traced to New Zealand, where a valuable farming stock was seized for the benefit of the creditors.

The accounts of Messrs. Paul & Turner show debts of £8,000, and assets sufficient for a dividend of 10s. or 12s. in the pound.

Mr. *Dorrien*, on behalf of the bankrupt, said, whatever his faults were, the creditors would reap benefit from his exertions, his estate having increased threefold since his residence in New Zealand.

The COMMISSIONER granted a second-class certificate.

#### DURHAM INSOLVENT COURT.—Friday, Oct. 9.

(Before H. STAPYLTON, Esq., Judge.)

Dodshon Wood, of Great Aycliffe, formerly butcher, appeared on an adjourned examination. The insolvent was supported by Mr. *Meynell*, barrister, instructed by Mr. *Brigal*. This case was adjourned from the last court, held on the 7th of August, and was fully reported in this paper at the time. The insolvent upon that occasion was opposed by his detaining creditor, and by a Mr. John Frizzel, of Greatham, farmer; and he was ordered to file an amended special balance-sheet, by inserting the date of several mortgages to Mr. G. Allison, Solicitor, of *Dartington*, and the application of the money received thereunder. The insolvent was also ordered to file a list of the furniture upon his premises at the time of his imprisonment. His Honour asked if these requirements had been complied with, and was answered by Mr. *Brigal* in the affirmative. His Honour then intimated, that it was a question with him whether he should not remand the insolvent for disobeying a judge's order, by improperly removing some hay from a field. Mr. *Brigal* said, he did so under the advice of Mr. George Allison, Solicitor, as he was prepared to prove by a witness in court. His Honour (looking towards Mr. Allison, who was in court): What! advise a person to disobey a judge's order?—Mr. Allison admitted that he did so advise the insolvent! His Honour, under these circumstances, decided to discharge the insolvent forthwith.—*Durham Chronicle.*

#### THE BIRMINGHAM LAW FELLOWSHIP.

Mr. G. J. Johnson, of the firm of Tyndalls & Johnson, solicitors, delivered his inaugural address, as Professor of Law, at the Queen's College, in Birmingham, on Tuesday, the 6th inst. We hope to publish the address in our next number.

#### THE LONDON, MANCHESTER, AND FOREIGN WAREHOUSE COMPANY (LIMITED).

A meeting of the directors and shareholders of this company was held on Thursday at the offices, 91, Watling-street.

The CHAIRMAN (Mr. Costeker) having read the resolution convening the meeting,

Mr. WARD (shareholder) said, the question for the meeting was, whether the company should be wound up voluntarily or otherwise. He called attention to the expenses attendant

upon proceedings in the Bankruptcy Court, and said he thought it would be a great object to the shareholders if all further loss were put a stop to by investing one of their own body with the authority necessary for winding up the company in their own way. He did not see why any "Mr. Commissioner," or any other official, should be paid for doing that which they could do amongst themselves. As it was, the shareholders might get a trifle; but if the matter went into the Court of Bankruptcy, there would not in all probability be a farthing for anybody. He did not think, upon the whole, that there was anything to find fault with in the directors. It was true, that, in the matter of the lease of the premises and some other little things, they had not acted like very wise men; but they had a large stake in the concern, and he certainly thought that nothing was morally wrong on their part.

After some discussion as to the financial position of the company, the final resolution for winding up voluntarily was put to the meeting, and it was carried by 17 to 1. The directors were then appointed official liquidators to wind up the company; and the proceedings terminated with a vote of thanks to the chairman, and a unanimous vote expressing the shareholders' confidence in the honesty and integrity of the late directors.

Mr. Robert Segar, Recorder of Wigan, has been appointed Judge of the Court of Record of Salford, vacated by Mr. Blair.

The Queen has been pleased to appoint Francis Smith, Esq., to be Attorney-General; and Thomas John Knight, Esq., to be Solicitor-General, for the Island of Tasmania.

A conference on the Bankruptcy Laws is to be held in Birmingham, on the 17th of November. The Birmingham Chamber of Commerce intend inviting delegates from the various chambers of commerce to attend it.

Further painful revelations are taking place in connection with the Hull failures. Under the estate of Mr. Bright, the late chairman of the Hull Flax and Cotton Mill Company, debts to the amount of £101,437 have been proved, of which £86,000 was on behalf of Messrs. Harrison, Watson, & Co., the bankers. The debt of the Bank of England was only £567. Mr. Bright has been apprehended on a charge of forgery both in relation to bills of exchange and transfers of railway shares.

During the last two days a case has been before the Manchester City Court of Record. Mr. T. Wheeler, barrister applied to Mr. Monk, Deputy Recorder, at the sitting of the court, for a rule absolute against a person named Preston, a house agent and collector of rents, in Hulme, for contempt of Court. The facts were these: An action for debt had been entered, and the defendant, a person named Craine, was required to plead. By the rule of the Court, this he must do either personally or by a solicitor. He did neither, for Preston told him he would be a fool to employ a lawyer, and he (Preston) could do the job for him as well and cheaper. Whereupon he got 6s. 6d. from Craine, and, proceeding to the Registrar's office, represented himself, falsely, to be the defendant in the action, and in his name entered the plea. The charge was brought home to him, and the deputy recorder, after strongly denouncing his conduct, said he should direct an attachment, but would require it to be kept in the office; and in case Preston, during the course of the next three months, paid by such instalments as would be satisfactory to the deputy registrar, and should reimburse Mr. Wheeler's client (the plaintiff in the action against Craine) the costs of this application, the attachment would not issue; failing compliance with these terms, it would issue, and the defendant would be liable to imprisonment for an indefinite period.

At the last sitting of the Wakefield County Court, Mr. George Moore, draper, of Wakefield, brought an action against Mr. Westmoreland, solicitor, to recover the sum of £49 for time lost and expenses incurred during twenty-one days' canvassing at the late election for Mr. Charlesworth, the present Conservative member for Wakefield. The plaintiff was about to leave Wakefield to set up business on his own account, but was prevailed upon by the defendant to stop and canvass for his client, promising that whatever charge the plaintiff made should be paid. He accordingly staid and canvassed, and his bill for twenty-one days, at two guineas a day and expenses, amounted to the sum claimed, which the defendant alleged was exorbitant. It was shown that the plaintiff had been offered two guineas a day and expenses to canvass for Mr. Oliveira at Pontefract, and that, after completing his engagement at Wakefield, he did canvass for Mr. Oliveira at that rate of payment. It was also



shown that Mr. Ferns, solicitor, of Leeds, was engaged by Mr. Oliveira for ten guineas a day, and that a Mr. Lamb canvassed for him for five guineas a day. The Judge said, that, as no professional man had been called to prove that the plaintiff's charge was exorbitant, he considered that the plaintiff had made out his case, and the verdict would be for £49, with costs of witnesses and attorney.

### The French Tribunals.

A rather singular question was raised on Wednesday last in the Imperial Court of Paris. It is, whether a husband is compelled by law to support a wife who misconducts herself? The facts were these:—A gentleman of Montmartre married a young woman of inferior station to his own. She was unfaithful to him, and she abandoned his roof about seven years ago. It is not necessary to trace her subsequent history; suffice it to say, that it was most profligate. She lived with a number of men in succession, and became the mother of several illegitimate children. Being now abandoned by all her lovers, she demanded that her husband should receive her back, or, failing to do so, that he should make her a yearly allowance. This the husband positively refused. The Imperial Court, to which she appealed, decided in favour of the husband, and expressed its approval of his conduct.

A case interesting to travellers in France has just been decided by the Court of Cassation, the highest legal tribunal. According to a Royal ordinance, published in 1563, a hotel-keeper is bound, under penalty of a fine, to lodge travellers who stop at his house. An hotel-keeper in a country town, who refused to lodge a traveller, was prosecuted before the Court of Police, and acquitted; the traveller appealed, and the Court of Cassation rejected the appeal, founding their decision on a law passed the 13th of March, 1791, which declares that commerce is free.

The prosecution of Count Migeon before the Colmar Correctional Tribunal for electoral corruption has still continued to excite the greatest interest in all circles in Paris. The decision of the judges was received yesterday by telegraph. It appears that the Court declares itself incompetent to deal with the general charge of bribery, but it sentences Count Migeon to two months' imprisonment for wearing the Cross of the Legion of Honor without being entitled. The Count brought a number of witnesses to prove that he had not been guilty of this offence; but, notwithstanding their positive testimony in his favour, the Tribunal gave greater credence to the one or two witnesses for the prosecution. One of those incidents which so strikingly illustrate the difference between our method of judicial proceeding and that of our neighbours, occurred during the speech for the defence. M. Jules Favre declared that it was the intention of his client to prosecute the police for defamation of character. The real object, he said, of the prosecution was, not to establish that M. Migeon had been guilty of illegal acts, but to destroy his reputation, so as to render it impossible that he could be chosen as representative of the department, in which he had just obtained 18,000 votes. The allegations that M. Migeon had been condemned for debt and was a ruined man were erroneous, for he had paid the sums for which proceedings had been taken against him, and his fortune was still considerable. "In support of this latter statement," said the learned counsel, "here is a letter from his notary, who is a most respectable man; and it merits, I imagine, more credit than the reports of these men of the police." The public prosecutor remarked that he could not allow one of the principal magistrates of the country, who occupied the position of minister, to be dragged into the mud, and he demanded that the language just used should be taken down.

"Oh, willingly!" said M. Jules Favre; "I said 'these men of the police,' and I repeat it. If, in saying that, I have said anything insulting, I consent to be condemned. But what afflicts one is, that, before justice, such documents are relied on. That an attempt should be made to influence the consciences of judges by documents drawn from such a source makes one blush!" Whatever may be the various opinions of the guilt or innocence of Count Migeon, one thing is certain, that the Government have proved that they have acted far more criminally as regards electoral corruption than the man they have prosecuted.

### Legislation of the Year.

20 & 21 VICTORIA, 1857.—(Continued.)

CAP. LIV.—An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property.

Although the provisions contained in 7 & 8 Geo. 4, c. 29, against the crime of *embezzlement*, as distinct from *larceny*, the former being committed in respect of property which is not at the time in the actual or legal possession of the owner, are not alluded to in the Act under discussion, this last may nevertheless be considered as amending the Act of Geo. 4, so far as embezzlements by certain classes of persons are concerned, and as intended to provide for certain offences of the same general description, which, at the time when that statute passed, were either overlooked or considered not sufficiently developed for legislation. By 7 & 8 Geo. 4, c. 29, s. 49, provisions were made against the fraudulent conversion by "bankers, merchants, brokers, attorneys, or other agents," of money or security intrusted to them with *written directions to apply it to a specified purpose*; and such conversion was made a misdemeanor, punishable with transportation for not more than fourteen or less than seven years (which, by the effect of 20 & 21 Vict. c. 3, will now resolve itself into penal servitude for not more than fourteen, or less than three years), or such other punishment, by fine or imprisonment or both, as the Court should award. And, by the same section of the same Act, it was also provided, that, if any chattel, valuable security, or power of attorney for sale or transfer of stock, intrusted to any banker, merchant, broker, attorney, or other agent *for safe custody, or for any special purpose*, should be by him converted, in violation of good faith, and contrary to the object of the trust, the offender should incur similar penalties. But these provisions were saddled with a proviso, which seems to have given rise more than anything else to the necessity for the Act under discussion—viz. that (by s. 50) they were not to affect any trustee in or under any instrument whatever, or any mortgagee of any property, real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in, or affected by, any such trust or mortgage. The other provisions of 7 & 8 Geo. 4, c. 29, referring to this subject, applied exclusively to property intrusted to "factors or agents" for the purpose of sale, or remaining in their hands in the course of their business, and a fraudulent deposit or pledge of such property under such circumstances was made an offence punishable in the same way as the others already mentioned.

Such being the existing law on this subject, the Act under discussion proceeds to make fresh and additional provision against fraudulent conduct of the same general description, committed by any person falling within one or more of the following seven classes: 1. Bankers, merchants, brokers, attorneys, or agents; 2. Persons intrusted with powers of attorney for the sale or transfer of property; 3. Directors or public officers of bodies corporate or public companies; 4. Members of such bodies or companies; 5. Managers of such bodies or companies; 6. Trustees; 7. Bailees.

1. The first of the above classes (as already explained) had been dealt with, to a certain extent, by the previous statute of Geo. 4; but, instead of the enactment being, as in that statute, confined to the conversion of money or securities intrusted to such persons, with written directions to apply them to a specific purpose, the Act under discussion (by s. 2) extends the enactment to *all* property; and on the other hand, under this section, the trust violated must be for *safe custody only*. Apparently, therefore, if a banker were intrusted with a deed to raise money thereon, and were fraudulently to convert the same to his own use, he would not come under this new provision, but (if the direction were in writing) under the old. It is also to be noticed, that a misdemeanor under this new provision (and the remark is equally applicable to any of the other misdemeanors created by the Act under discussion) is less penal than one punishable under the Act of Geo. 4. Instead of penal servitude for as long a term as fourteen years, the utmost limit authorised by the Act under discussion is three years; and the imprisonment, instead of being at the discretion of the Court, must not exceed two years, with or without hard labour. Punishment by *fine* also would appear not to be cumulative, as in the previous statute (see s. 10).

2. The second class—persons intrusted with powers of attorney—were also dealt with in the preceding Act, but only where they happened also to fall under the first class. The Act under discussion, however, makes it a misdemeanor for "any"

person intrusted with such power fraudulently to convert the property to his own use; and instead of the power being confined, as in the previous statute, to one for the sale or transfer of such stock as is in that Act mentioned, the power by the Act under discussion may be for the sale or transfer of any property whatever.

3. Directors and public officers of bodies corporate and public companies—the third class above mentioned—are now for the first time specifically dealt with; and as to these the Act under discussion provides, that, if any person falling under this description shall, with intent to defraud (s. 5), take or apply for his own use any of the corporate or common money or other property; or (s. 6) receive or possess himself thereof, otherwise than in payment of a just debt or demand, and omit a full and true entry thereof in the books and accounts; or (s. 7), destroy, alter, mutilate, or falsify any of the books, papers, writings, or securities, or make or concur in making a false entry or material omission in any account or document; or shall (s. 8) make, circulate, or publish (or concur in making, circulating, or publishing) any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor, or to induce any person to become shareholder or partner, or to intrust or advance money or property to, or enter into security for the benefit of, the body corporate or company of which the person so acting is a director or public officer,—such person shall, in any of the above cases, be guilty of a misdemeanor.

4. Members of bodies corporate or public companies are now, for the first time, by the Act under discussion, made guilty of misdemeanor by any such conduct as above specified coming within the terms of either s. 5 or s. 7.

5. The Managers of such bodies and companies are expressly brought within such of the provisions of the Act under discussion as are contained in the 6th, 7th, and 8th sections. In the 5th they are omitted; but we apprehend that a bank manager (for example) who fraudulently applies to his own use the bank money, would properly be proceeded against as a clerk or servant of the bank, under 7 & 8 Geo. 4, c. 29, s. 47; and this, though also punishable with penal servitude for fourteen years at the most, is a felony.

6. Trustees. It has been noticed that trustees, in or under any instrument, were expressly exempted from the provisions of the Act of Geo. 4, so far as the trust property was concerned. But the Act under discussion contains, as to all, the following general enactment—viz. (s. 1) that “any person being a trustee of any property for the benefit, either wholly or partially, of some other person, or for any public or charitable purpose, who shall, with intent to defraud, convert or appropriate the same or any part thereof to or for his own use or purposes, or shall with such intent otherwise dispose of or destroy such property or any part thereof, shall be guilty of a misdemeanor.”

By another section (s. 17) the term trustee is defined to include—1. Trustees on some express trust created by some deed, will, or instrument in writing; 2. The heir and personal representative of any such trustee; 3. All executors and administrators; 4. Liquidators under the Joint-Stock Companies Act, 1856; 5. Assignees in bankruptcy or insolvency. And, by another section (s. 13), no proceeding or prosecution for any offence included in s. 1, but not in any other of the Act, shall be commenced without the sanction of the Attorney-General, or, if that office be vacant, of the Solicitor-General, nor (if civil proceedings have been had or are pending) without the sanction of the court or judge before whom such proceedings were taken or are pending.

7. Bailies. It is difficult to say why the 4th section of the Act under discussion was inserted in the middle of the different misdemeanors created by the Act; nor, indeed, why it should have formed part of this Act at all. This section enacts, that “any person, being a bailie of any property, who shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk or otherwise determine the bailment, shall be guilty of larceny.” The object of this provision is to abolish *pro tanto* the principle of law which has hitherto prevailed—that, if a person obtain the goods of another without fraud, although he have the *animus furandi* afterwards, and convert them to his own use, he cannot be guilty of felony (see 1 Russ. on Crimes, p. 56). This principle, indeed, was qualified, in the case of a carrier, by another, which considered that a tortious opening of the pack (“breaking bulk”) determined *eo instanti* the contract of bailment, and made an appropriation of the thing bailed a felonious stealing. This and other niceties gave rise to much compli-

cation of our criminal law on this head, and the object of the present section was to simplify it. But it comes in awkwardly among provisions to the subject-matter of which it has no special reference, and is, moreover, liable to the following criticism:—The punishment of larceny is, at present (when not complicated or committed after previous summary convictions, or after previous conviction for felony), not penal servitude at all, but two years' imprisonment. But the punishment of any of the misdemeanors created by the Act under discussion is, either imprisonment to the above extent, or penal servitude for three years. Hence, a misdemeanor under this Act will (except with regard to the forfeiture of goods to the Crown) be more penal than the felony created by the 4th section. Moreover, by another provision of the Act under discussion (s. 16), no misdemeanor against it shall be prosecuted or tried at any court of general or quarter sessions; but there is nothing to prevent the above-mentioned felony being there tried. If, therefore, any bailie be there prosecuted under s. 4, and it shall appear that the offence he has committed amounts to a misdemeanor under the Act (and there might easily arise such a case), he would, apparently, be entitled to be acquitted; or, if convicted, might move in arrest of judgment; for, though another section (s. 14) provides, that, if on a trial under the Act the offence proved amounts to larceny, he shall not thereby be entitled to be acquitted of a misdemeanor thereunder (a provision copied from the previous Act of Geo. 4), there is no similar provision as to a trial for larceny, and the offence proved resolving itself into a misdemeanor.

The sections of the Act under discussion not specifically noticed are of subordinate importance; and are, to a considerable extent, copied from the previous Act. It may be noticed, however, that, although that Act does not, generally, apply to either Scotland or Ireland, the Act under discussion applies to Ireland as well as England, though not to Scotland.

## Recent Decisions in Chancery.

### BANKRUPT—ORDER AND DISPOSITION.

*Shuttleworth v. Herniman*, 5 W. R. 853.

This case has raised and decided a new point on the order and disposition clause. It is quite settled that mere possession by the bankrupt with the consent of the true owner, does not necessarily place the goods in the bankrupt's order and disposition. All that can be said is, that such possession is *prima facie* evidence of reputed ownership, though it may be rebutted by showing the notoriety of a trade usage to leave goods under such circumstances in the possession of a person other than the owner. Nothing turns upon the question: What were the actual terms of the agreement under which the goods were held?—but everything depends on this other question: Whether, having regard to established usage, strangers must necessarily infer that the apparent possessor is the true owner? If such an inference is the fair one, then the clause applies, and the goods pass to the assignees; otherwise not. These are the general principles on which the case of *Horn v. Baker* (9 East, 215) was decided, and, notwithstanding some language in *Troppes v. Harter* (2 Cr. & M. 153), which admits of a different interpretation, the old doctrine is still unshaken, and has recently been re-affirmed with much distinctness in *Ex parte Barclay* (5 De G. Mac. & Gor. 403, and 4 W. R. 80), in which the Lord Chancellor cited, with approval, the explanation of the statute given by Lord Redesdale in *Jay v. Campbell* (1 Sch. & Lef. 336). “The clause,” said Lord Redesdale, “refers to chattels where the possession, order, and disposition is in a person who is not the owner, to whom they do not properly belong, who ought not to have them, but whom the owner permits unconscientiously, as the Act supposes, to have such order and disposition. . . . The object was to prevent deceit by a trader from the visible possession of property to which he was not entitled.” Among the cases relating to machinery and utensils of trade, *Lingard v. Messiter* (1 B. & C. 308) is a distinct authority for the position, that, where a creditor purchases the goods of a trader, and then demises them to him at an annual rent, after marking them with his own initials, the goods held by the trader under the lease are in his order and disposition, and pass to the assignees in the event of bankruptcy. That case, however, turned somewhat on the fact that the bankrupt had formerly been the real owner, as, in such a case, it was held that he would continue to be the reputed owner until some act was done to make the change of ownership notorious to the world. It was at the

same time intimated, that, if the bankrupt had been a mere lessee from the beginning, the case would, perhaps, have been different, as then the possession would not necessarily imply ownership; though, in the absence of a usage to lease goods of the kind in question, the possession under a lease would probably be held to afford sufficient presumption of reputed ownership. The actual point in *Ex parte Barclay* was this:—A publican had mortgaged his leasehold house, together with the articles commonly known as tenant's fixtures, but which, being removable by the tenant, were, in fact, goods and chattels. The publican remained in possession until his bankruptcy; and the Lord Chancellor held that the tenant's fixtures did not pass to the assignees, expressly on the ground that the object of the clause was to prevent fictitious credit, and that it was impossible to suppose that credit was ever given upon the faith of fixtures as distinguished from a house. Now, it was admitted that a creditor is bound to take notice that a house may be mortgaged; and, if the house was mortgaged, it might be presumed that the tenant's fixtures were, or might be, mortgaged too. In such a case, therefore, possession would not constitute reputed ownership.

*Shuttleworth v. Hernaman* is separated by an intelligible, though fine, distinction from the class of cases which culminated in *Ex parte Barclay*. The plaintiffs were the lessors of a factory of which the bankrupt was tenant. In the lease, the bankrupt had covenanted to pay his rent in advance, and always to keep £3,000 worth of machinery on the premises as security for the rent. The lien thus created would have swallowed up the whole value of the machinery as it stood at the time of the bankruptcy if the whole future rent was to be covered by it, but no rent was due at the time. The question submitted by special case to the Court was—Whether the machinery passed under the order and disposition clause? If the bankrupt had actually mortgaged his lease and machinery, the landlord would, according to *Ex parte Barclay*, have been entitled; but it was held in the present case that the attempt to create a lien by force of the covenant left the property in the bankrupt's order and disposition. The real difference between the two cases may be best seen from an observation of L. J. Turner, in the course of his judgment, whereby he expressly guarded himself from extending his opinion to those cases where, according to the custom of the country or district, there was a habit of keeping the machinery under the control of the landlord in this manner, no such custom having been stated in the special case.

It is customary for a publican to mortgage his tenant's fixtures together with his house: hence the judgment in *Ex parte Barclay*. It is not customary—or was not proved to be so—for a manufacturer to subject his machinery to the peculiar kind of lien which occurred in *Shuttleworth v. Hernaman*: hence the opposite result in this case.

#### MORTGAGOR AND MORTGAGEE—PRIORITY—POSSESSION OF TITLE DEEDS.

*Perry Herrick v. Attwood.*

This case (a report of which is given, *ante*, p. 803) raised in a new form the question, under what circumstances a mortgagee will be postponed to subsequent incumbrancers by reason of not having secured possession of the title deeds? The well-known cases of *Hewitt v. Loosemore* (9 Hare, 449), *Jones v. Smith* (1 Hare, 43), and *Worthington v. Morgan* (16 Sim. 547), and the older authorities on which they are founded, have pretty well settled the general principle, that, while an utter absence of inquiry for deeds is such an amount of negligence as will postpone the mortgagee, he will not be made to suffer where some sufficiently plausible explanation has been given why the deeds should not be delivered to him in the ordinary course. In the present case, the facts, as the Court gathered them from the evidence, were these:—The prior mortgagees were the sisters of the mortgagor, who owed to each of them £10,000. At the suggestion of the brother, or his solicitor, a mortgage term was created to secure the debt; but the brother being also indebted to certain family trustees, and being in treaty to arrange the matter by a mortgage of the same estate out of which the security to the sisters was carved, his solicitor prevailed upon the sisters to leave the deeds with him for the purpose of carrying out the proposed arrangement. Instead of doing so, however, the brother raised a large sum by mortgage of the estate, on which occasion the existing mortgage to the sisters was not mentioned. The plaintiffs, in whom this last security became vested, got the deeds, and now insisted, that the sisters, having left the title deeds in their debtor's hands for the express purpose of raising money on them, could not now claim priority

over the plaintiffs, who had thus been entrapped into advancing money on the land. This view was upheld by the Master of the Rolls; and though it is said that the case will be appealed, the judgment can scarcely be reversed on this point, consistently with the view of the evidence taken by the Master of the Rolls, without extending, beyond what has hitherto been done, the indulgence granted in some cases to mortgagees who have not taken the precaution to obtain possession of the title deeds of the mortgaged property. A distinction was also pressed in argument between the right of a mortgagee in fee and that of a mortgagee of a term, to the possession of the deeds; but it is hard to support such a distinction without destroying altogether the security which the actual handing over of titled deeds is supposed to give to a *bond fide* incumbrancer.

### Correspondence.

EDINBURGH.—(From our own Correspondent.)

As the subject of the education of the articulated clerks (or, as they are called in Scotland, apprentices) of solicitors appears to be exciting much general attention in England at present, it may not be uninteresting to explain the mode in which the matter has been dealt with in Scotland, where it was much discussed about six years ago.

In this country the solicitors have long been alive to the great importance to a lawyer of a good general education, as a foundation for the subsequent legal training necessary to fit him for his profession; and the Writers to the Signet, which is the most numerous body of solicitors in Scotland, have always insisted upon maintaining a very high standard of preliminary education as a condition of any one being allowed to enter into indentures with any member of the body. One of the rules which were in existence, however, prior to 1851, was found to be so inflexible as to have deterred in some instances apprentices of the highest intellectual attainments from seeking to enter the body; and accordingly, when the matter was brought under their consideration, it elicited a very interesting discussion. This rule demanded, as a preliminary condition, that all applicants for indenture should have completed in one or other of the Scottish universities the full course prescribed in *literis humanioribus*, in consequence of which an Oxford or Cambridge M. A. was excluded, unless he chose to go through the prescribed course of study, which involved a loss to him of two years. Such a result was manifestly absurd, though it had probably very seldom occurred until the practice of sending Scotchmen to the English Universities had become comparatively established, which has only happened within a recent period. Various propositions were made with the view of remedying the evil; the extremes of these propositions were, that all the English and distinguished foreign universities should be included in the specification, and that the Society should not trouble itself with the question where or how an applicant for indenture got his education, but should ascertain by a stringent examination whether he had acquired the proper qualification. The Society adopted neither proposition; but while they still agreed to take attendance at the Scotch universities as evidence of sufficient qualification to enter into indenture, they adopted a resolution, that any one should be entitled to do so upon satisfying the Society that he had received a liberal education, and submitting to an examination in the following branches: English, Geography, History, Latin, Greek, Arithmetic, Geometry, Practical Geometry, and Algebra, or, in lieu of Greek, any modern language.

That this examination might not degenerate into mere formality, it was resolved that it should be conducted in writing at the sight of the Keeper and Commissioners of the Signet, who should be entitled to employ skilled Examiners to conduct the examination for proper remuneration; and that these Examiners, besides making a full and detailed report upon the whole examination, should be required to state specifically whether they considered that the applicant "is possessed of attainments equal to those which ought to be found in a person who has attended two full sessions at a Scotch university." Lastly, it was resolved that the whole papers connected with each examination should remain in the library of the Society, subject to the inspection of every member who might choose to examine them. The examination generally lasts two days; and any one that chooses to examine the papers cannot fail to be satisfied, that, as at present conducted, the examination is no sham.

With the same sound views of the importance of a good



general education, the Society took the same opportunity of preventing young men from entering upon the profession before they had time to acquire such an education, and resolved that no one should be allowed to enter into indentures before he had completed his seventeenth year. A strong party wished eighteen fixed as the proper age, but ultimately agreed to accept of seventeen as a fair compromise in the meantime.

#### THE MANCHESTER MEETING.

To the Editor of THE SOLICITORS' JOURNAL & REPORTER.

SIR,—In commenting on the proceedings of the meeting of the Metropolitan and Provincial Law Association, lately held at Manchester, I find, from your leading article of last week, that you advocate the further development of the *oral* in preference to the *written* element in the proceedings. Perhaps, however, you will so far excuse my differing from you in opinion, when I consider that it is at all times difficult to promote discussion, upon legal questions in particular, without a previous thorough acquaintance with the subject, so as to be prepared in some degree with the relative positions and bearings in all its parts; and, for this reason, I am inclined to think, that, unless written papers be introduced, or some previous outline arranged, the discussion would partake of too desultory and useless a character to be in any way improving.

To promote, however, instructive discussion amongst the members at the different meetings, I think the present arrangement might be even further improved, by the writers of papers furnishing the Secretary, not only with the title, but also with a concise synopsis of the subject treated on, some few weeks previous to the meeting, for circulation among the members, so that each might be enabled to prepare himself by deliberately considering the various points, and discussion might then be carried on with advantage.

It is most gratifying to observe the marked progress and success of the Metropolitan and Provincial Law Association, and its tendency to elevate the moral and intellectual character of the profession; and, may I add, that the formation of junior Law Associations is but one instance of its beneficial example being followed.—I am, Sir, yours very obediently,

Kendal, Oct. 20, 1857.

CHARLES WILKINSON.

#### Review.

*A Practical Treatise on the Law of Trusts and Trustees.* By THOMAS LEWIN, Esq., of Trinity College, Oxon, M.A., and of Lincoln's-inn, Barrister-at-Law, one of the Conveyancing Counsel to the Court of Chancery. Third Edition.—London: Maxwell. Dublin: Hodges, Smith, & Co. 1857.

Mr. Lewin's Treatise on the Law of Trusts and Trustees is one of the few legal works which aim at combining the scientific exposition of a branch of law, which is the character of many of our older treatises, with the minute consideration of decided cases to which the modern text-writer generally confines himself. In both departments of the work, the author has introduced considerable modifications and more considerable additions into the present edition. The earlier portion of the work has been re-cast, and the additional matter rendered necessary by the accumulation of cases since the second edition has swelled the volume to a really formidable-looking size. The proverbial evil of a large book is, however, capable of no slight mitigation by good arrangement and carefully digested means of reference. In one, at least, of these respects Mr. Lewin's work may be regarded as a model; for the completeness of the index, and the skill with which it has been framed, render the task of discovering any special point on which information may be sought as easy as it ought to be in every treatise intended for the hands of practical men. The tendency of law books to become more and more books of reference rather than books of study renders a really effective index a matter of much greater importance than some of our most distinguished writers—such as Lord St. Leonards and others—have condescended to consider it; and though the labour of compiling one is about as ungrateful as any to which a man can devote himself, it is generally possible for an author, however occupied himself, to find some one younger in the profession to whom the task may be intrusted. Mr. Lewin had the wisdom to do this, and he tells us in his preface that the credit of the index is due to Mr. Kingdon, by whom it was compiled.

In the general division of his Treatise Mr. Lewin has followed the natural order suggested by the subject considered as a

matter for scientific inquiry, rather than that which would have commended itself to a writer who thought of the practical convenience of professional readers, and nothing else. After defining and classifying the various kinds of trusts, he treats of the modes in which trusts arise, whether by act of a party, or by operation of law. The second principal head relates to the trustee himself, and touches upon all such points as—the estate which he takes; the duties, powers, and rights of the trustee; and the manner in which he may be divested of his responsibilities. Finally, he treats, in a similar manner, of the estate and the rights of *cestui que trust*, and the remedies which they have against their trustees. A supplementary Chapter on Pleading and Practice in reference to the law of trusts and trustees is among the useful additions to the present edition of the work. There is undoubtedly much to be said in favour of a methodical arrangement of this kind, but it is open to the inconvenience of separating matters which the practitioner is compelled to consider together, and making his calls upon the index more frequent and troublesome than they would be if the scope of the work had admitted of a more rule-of-thumb sequence of subjects. To illustrate what we mean by an example, let us suppose that land has been devised in trust for an alien, and that a lawyer has to consult Mr. Lewin's book to ascertain the effect of the will. He might light upon the section on Unlawful Trusts in the first great division of the work, and there he would find that a trust of real estate declared in favour of an alien will vest in the Crown without the form of a previous inquisition. Again, under the head "Who may be *cestui que trust*?" in a different part of the work, the position is laid down that the Crown may be *cestui que trust*; and it is added, that, in the case of an alien, a trust may be declared for an alien, but cannot be enforced for his benefit; it being contrary to law that he should plead or be impleaded touching lands, that the king on inquest found will be entitled to the trust by forfeiture, but that the forfeiture vests not in the king the legal estate but merely transfers to him the right of suing a subpoena against the trustee in equity. It is obvious that this exposition of the law is materially different from the brief statement which we first extracted, as the one asserts and the other denies the necessity for an inquisition; and a further puzzle is offered to the reader by an intimation which is added, that, where a trust is *in fieri* and executory, as distinguished from a trust *in esse*, the Court will do no act to give it to an alien who by law cannot hold lands—a dogma which seems unnecessary if the previous assertion, that no trust can be enforced in favour of an alien, be true, and which, on reference to *Burney v. Macdonald* (15 Sim. 14), the case cited in support, turns out to be a dictum that an executory trust for an alien cannot be enforced by the Crown, or, more accurately speaking, a doubt whether such is not the law. Now, we do not care to inquire whether this be right or wrong, though, in point of fact, it has been more than questioned; but it is certain that it is in direct opposition to the express statement of Mr. Lewin himself, as to the power of the Crown to take an alien's trust; and *Macdonald v. Burney*, if referred to at all, ought to have been given as an authority *contra* on that point. But these are not the only places where the subject of aliens turns up. In the third division, which treats of the estate of the *cestui que trust*, there occurs a Chapter "on the Forfeiture of a Trust," by which is meant the forfeiture, not of the office, but of the equitable interest. In a section of this Chapter, we have a third summary of the law on aliens' equitable estates. There we are again told that such a trust is forfeitable to the Crown on the principle of public policy, that the legal estate is not forfeited, but that the king must prosecute his right by subpoena, and that he may do so without office found or inquisition taken. This, it will be observed, is, in substance, the same as the second passage to which we have referred, except that it agrees with our first quotation, in holding that an inquisition is not a necessary preliminary. A reader who hit upon one of these passages would lay down the book with a somewhat different idea of the law from that which would be gathered by one who found out the others. But it is not only the statement of the law that varies, yet the list of authorities appended to the different passages is not identical; and, in justice to Mr. Lewin, we are bound to admit that in each instance the cases cited in the foot-notes will be found to contain all the dicta, not very harmonious, which he has embodied in the corresponding portion of his text. For example, it has certainly been said that forfeiture is the basis of the Crown's right to an alien's equitable interest in land; but that dictum has been overruled by the House of Lords in the case of *Attorney-General v. Duplessis* (1 Bligh, P. C. 415), which Mr. Lewin nowhere

notices in connection with this subject. Then, again, opposing dicta may be found on the question as to the necessity of an inquiry to found the right of the Crown; but that will scarcely justify Mr. Lewin in relying exclusively on one of such dicta in one part of his book, and holding by the other in a different Chapter. Moreover, it happens that Mr. Lewin has omitted to notice the most important modern authorities on the point—*Ritson v. Stordy* (3 W. R. 627; 1 Jur. N. S. 771) and *Barrow v. Wadkin* (5 W. R. 695). The last case was not decided until May in the present year, and it may have been impossible to incorporate it into the text; but *Ritson v. Stordy* was decided, in the first instance, by V. C. Stuart, as long ago as July, 1855; and, as it lays down the law in direct opposition to the statements contained in Mr. Lewin's book, it ought certainly to have been noticed, although the Lords Justices, without reversing the judgment, have since been careful not to endorse the doctrine, and the Master of the Rolls, in *Barrow v. Wadkin*, has given a decision in favour of the views supported by Mr. Lewin.

We have noticed the discrepancies and omissions connected with this point, not so much to convey an impression that the work is generally got up in a slovenly manner—which cannot justly be said—but because they are just the defects which are almost the necessary consequence of the general mode in which the work is constructed. The logical, but inconvenient, divisions and subdivisions of the subject rendered it almost impossible to treat every point once for all in one place; and when an author has to look at the same question from slightly different points of view in different Chapters, he is unavoidably led into repetitions, and is very likely to give several imperfect and conflicting summaries of the law, instead of a single exhaustive exposition. The danger, too, of overlooking authorities is very much greater when a discussion is thus scattered over distinct sections of a work; and while one cannot but regret that a treatise on which so much pains have been bestowed should exhibit faults of so serious a kind, we are disposed to attribute them almost entirely to the insuperable difficulty of uniting in one work the advantages of scientific method and the minute accuracy required in a practical hand-book. The result is sure to be a volume too bulky and detailed for the mere student of legal principles, and not sufficiently compendious and safe for the use of the man of business. With all the defects inherent in the nature of the book, it is one which, nevertheless, will be accepted as a boon by all who are concerned with the head of equity to which it relates. It brings down the cases to a much later date than any existing publication, and contains valuable matter which has not been elsewhere collected. Caution may be necessary in using it, but it must and will be used as the most modern and most complete of existing treatises on the law of trusts. We find many of the very latest decisions on little practical points, which are often very embarrassing from the lack of definite decisions upon them in the older reports; and if we also find that some authorities of the same description have escaped the author's vigilance, their number is not such as to reflect discredit on the general care with which the treatise has been edited. The task of writing a perfect law book has, by the multitude of decisions, become quite Herculean; and if we have not yet got the best work that could be desired on the subject of trusts, there is no doubt that Mr. Lewin's present edition is, after all, the best treatise that has yet been produced.

### National Association for the Promotion of Social Science.

At the meeting of this Association, held in Birmingham, on Monday the 12th instant, Lord BROUGHAM, in his inaugural address, referring to the Society for the Amendment of the Law, said:—It would not be easy to describe the many pernicious attempts at legislation which the Society has stopped in their earliest stages—attempts tending to the injury, not to the amendment of the law, and, if ending in failure and its attendant exposure, calculated to bring the great cause of legal improvement into disrepute. But it is more pleasing to dwell upon the signal benefits that have accrued from the measures maturely digested and strenuously promoted, which have obtained the sanction first of the public assent—that is, the approval of those who are capable and well informed—and, finally, the assent of the Legislature itself. To give particular instances would only weary those who are familiar with the history of the Society. But I am bound to state, that, since its

establishment in 1844, most of the Bills which I have brought forward, and of which many have been passed, making a great change in our jurisprudence, either originated in the inquiries and reports of the Society's committees, or owed to the labours and authority of that body valuable help towards, first, their preparation, next their adoption. The great measure of local judicature, and those which arose out of the common law and real property commissions, were, no doubt, adopted prior to the Society's foundation. But many of the Bills extending and improving those measures are materially indebted to its co-operation. One instance is better than any general description. Of the nine Bills presented by me to the House of Lords in 1845, and six of which are now the law of the land, two of the six were suggested by the Society, and another, the most important of the whole, and which has entirely changed the course of procedure, the Act for the Examination of Parties in all Suits, I never should have succeeded in carrying but for the Society's correspondence with all the county court judges, and their almost unanimous testimony in favour of the change. Take another instance:—Of the legal improvements in the session that has just closed, the most important are the Divorce and Fraudulent Trustees Acts. The former was mainly furthered by the inquiries of committees, by the public meeting held on the protection of married women under the presidency of Sir John Pakington, and by the Bills which the Society prepared, and which were presented the session before; while the latter (Fraudulent Trustees Act) originated in the inquiry and report of a special committee of the Society upon the subject. Nor should we pass over a very important step taken by the Government in consequence of the Society's urgent remonstrance against the grievous defects in our judicial statistics. The elaborate discussions in the committees, and their conclusive reports, aided by the indefatigable labours of Professor Levi, have had the effect of introducing a material improvement in that department; and, great as the imperfection still is, so as to make the returns not deserve the name of judicial statistics, we have now every ground for hoping, that, at length, the Legislature will have the means of ascertaining the effects of its Acts, and no longer continue to pass laws in the dark. This subject will deserve the early attention of our first department; nor is there any other matter that appears so much to press for consideration, if it be not the continued refusal of equitable jurisdiction to our local courts—a refusal not easy to be comprehended, when several years ago we found some of the first solicitors in London declaring, in a petition to Parliament, that they never should think of recommending a client to sue for an equitable debt of so little as £1,000. The various efforts made to obtain this measure of strict justice have received the aid of the Society, and much important information has been obtained, though as yet all those attempts have failed. But the Society has also afforded proof of the valuable results obtained from combined action in the two Mercantile Law Conferences which it convened and conducted in 1852 and 1857. Prior to the former year no systematic attempt had been made to obtain the opinions of the mercantile classes throughout the kingdom on the state of the commercial law. Indeed, it is comparatively of late years that the establishment of those valuable institutions, chambers of commerce, has afforded the means of selecting delegates from our mercantile towns; and when, in November, 1852, the representatives of a number of chambers met, under the direction of the Society, to discuss the assimilation of the mercantile laws of England, Ireland, and Scotland, a new era certainly began in our commercial legislation. The result of that Conference, which was presided over by myself on the first day, and by Lord Harrowby on the second, was the appointment of a royal commission to inquire into the subject which had occupied the attention of the delegates. The commissioners, all men of high reputation and tried ability, accumulated a great body of evidence, and published the results of their labours in a valuable Report, which recommended an extensive assimilation of the mercantile laws in the three portions of the United Kingdom. This Report has not been allowed to remain a dead letter: the two Mercantile Law Amendment Acts of the session of 1856 were founded upon its recommendation; and though these measures undoubtedly fall short of what might have been hoped, and still leave much to be done in the way of assimilation, they must be regarded as very useful additions to the statute-book, and are, we may trust, the precursors of further improvement. The second Mercantile Law Conference in January last is of too recent a date to enable us to dwell upon its results; there cannot, however, be any doubt that they will be as satisfactory as those of the former meeting. The objects of



the second Conference were more wide and varied, its discussions extended over a longer period, and a proportionate time must be expected to elapse before its proceedings will bear all legitimate fruits. The present state of the law and administration of bankruptcy was very fully dealt with, and we have already two tangible results from that discussion. One is the Bill which I presented to the House of Lords for remedying the evils in the bankrupt law complained of by the commercial delegates at the Conference; and it is very satisfactory to find that the Chamber of Commerce in this town has prepared another measure having the same object, but more detailed in its provisions. There can be little doubt that the attention drawn to the state of our Bankruptcy Courts by the Conference in January, perpetuated as it will be by the discussions here during the next three days, will finally result in a measure carrying still further those improvements which were commenced in 1831 in this important branch of our commercial jurisprudence, and were afterwards expanded in the Consolidation Act of 1849. The subject of bankruptcy has been alluded to as the most prominent of the topics which occupied the attention of the Conference in January; but it seems certain that the effect of that great meeting will be felt in other matters—that the repeal of the 17th section of the Statute of Frauds, recommended by the second Conference as well as by the commissioners who were appointed on the representation of the first, and the extension of more frequent and better means of local justice to provincial towns, so strongly and unanimously insisted on by the delegates, will result from their deliberations.

Tuesday, Oct. 13.

#### DEPARTMENT I.—JURISPRUDENCE AND AMENDMENT OF THE LAW.

LORD JOHN RUSSELL (in the chair) said:—I have to lament, that, owing to a change in the arrangements originally made, I have the honour to appear before you to address you upon a subject on which I feel I must be unequal to the occasion. As, however, each chairman of a department will address you, I will endeavour to point out the way in which the section over which I have the honour to preside—Jurisprudence and the Amendment of the Law—may be rendered practically useful. A learned gentleman, a member of the House of Commons, and formerly Attorney-General for Ireland, Mr. Napier, whom I regret I do not see here on this occasion, has urged very strongly upon the House of Commons at different times the propriety of appointing a Minister of Justice. It has always appeared to me that he was right in his opinion on the subject; and the House of Commons have agreed not only that he is right in the general principle, but that the appointment of such an officer is a measure of urgent administrative reform. That object, however, has not yet been accomplished, though I have been informed by my learned friend, the Attorney-General, that the question has been under consideration of the Government, and that he has plans prepared for the purpose. I would make a Minister of Justice a member of the House of Commons, because it is essential to have in that assembly a person who can take into consideration the most fitting way of carrying out amendments of the law. He would point out not only those portions of the law upon which amendments were required, but, if properly appointed, be of invaluable service in carrying them through Parliament. Lord Brougham, in his admirable address last night, in speaking of the county courts, suggested that they might deal with certain cases of equity, and I entirely concur in the opinion; but I think it would be necessary that there should be some such person as a Minister of Justice to see that the courts are properly constituted for the purpose. In the course of the discussion last session on a most important subject, it was suggested, that it might be dealt with in the county courts. That subject was of the utmost moral—the utmost social—the utmost religious importance, it referring to the regulation and dissolution of the marriage tie. It was objected by those who would not accept the county courts for the purpose, that, having been established only for the recovery of small debts, so much noise and confusion prevailed that they were unequal to the subject. If that be so, it appears to be an argument for providing that they shall be properly constructed. If you wish, as I think the country does and ought to wish, that local courts should deal with more important measures than small debts, it ought to be our business to see that those courts are properly constructed. In Scotland they have a system of administration of local justice, but I do not know sufficient of its provisions to say how far they are applicable to this country. In Ireland barristers are appointed to administer justice in the counties, and they give the highest

satisfaction. It will be the business of this department to consider the systems of both Scotland and Ireland, and to take care that England has a law not less efficient than those of the sister kingdoms. Were the local courts properly constructed, they would no doubt take a vast deal of legal business now performed in other courts. For my own part, I always look with considerable distrust upon those who say that justice should not be obtained excepting at a considerable price, as otherwise the fury of litigation would be so great that it would be impossible to curb it. My answer is, that no price will curb the litigation of the rich, neither should we attempt to quench the desire for justice in the poor. I do not want to detain you at any length in this place, but there are questions, at which I will barely hint, which may be fairly considered by a department for the amendment of the law. We may consider how far it is necessary that there should be a continuance of the practice in seeking redress from a court of justice, of having to go from one court to another, with no object, it would seem, but that of incurring expense. I have a paper—not exactly public—with which I have been furnished by my learned friend Sir Fitzroy Kelly, who I am happy to see attending the Conference, showing how enormous have been the expenses in the probate and testamentary courts from that cause. There have of late been great changes in these courts, but still there is a great deal too much expense—too much form—being sent down from one court to another to have the cause inquired into, and coming back again to receive process. Bentham used to call it being banded about from one court to another; and when Erskine was once told that a client of his must go to the Court of Chancery, he expressed a hope that their Lordships would not think of sending any fellow-creature there. It is my opinion, that a cause, if commenced in a proper court, should be finished there; and I know also that that is the opinion of the present Attorney-General, a very high authority on matters of procedure. There are many commercial questions, which may be fairly considered by this department of the Association, such as the amendment of the law of bankruptcy, and other points in which all connected with commerce must feel the greatest interest. We may also, in my opinion, consider very many important points in the commercial law; and I believe we have before us materials which, after ample consideration, may guide the course of legislation next year. I now come to a question of the greatest importance. I maintain, we must not be merely satisfied with transcribing ancient laws, and calling them new; we must not put errors into new Acts of Parliament under the name of consolidation: when we attempt to consolidate we must also amend. I say this, because a Bill was introduced into Parliament last session which proposed to inflict the punishment of death for offences which no judge would think of so punishing. When we make new laws we must take care that they are such as can be executed, and are in consonance with the spirit of the times. I have come to the conclusion that the consolidation of the laws must be preceded by their amendment.

#### THE TRANSFER OF LAND.

MR. E. T. WAKEFIELD read a paper on this subject. He adverted to the evils resulting from the operation of the present law, especially as relates to the production and verification of title, the result of which was expense, delay, and disappointment; this occurring whether the transfer was of one or ten thousand acres. He showed, moreover, that the evils fell most heavily upon those least able to bear them. Having pointed out the defects of the law, he proceeded to consider various remedies proposed, especially commenting upon the recommendation of the commissioners to have a certificate of title in conjunction with registration. This plan, he thought, would increase the expense, although it might diminish the delay. He advocated, as a much better plan, and free from the objections raised to the others, the granting of certificates with indorsement of subsequent deeds thereon.

MR. E. FAWCETT read a paper on the same subject, which set out by asking the pertinent question, "Why should the transfer of £1,000 worth of land cost more than £1,000 worth of railway or bank stock?" He then went on to propose the division of the kingdom into registration districts, and the appointment of registrars; that land should be registered by figure or letter upon the Ordnance and other maps; and that the certificate of title should be the only title that could be called for. Both these papers were elaborately prepared.

MR. A. RYLAND said that some inconvenience would result from the adoption of Mr. Fawcett's plan of description by letters. How would it operate, for example, in the case of a piece of land in the vicinity of a town, where one field was cut up into a hundred small pieces? The difficulty, however,

might be got over by showing the dimensions of the various letters.

A MEMBER thought the difficulty was not so much mechanical. He thought that it lay in the law regarding real property itself.

The Rev. Dr. BEGG (of Edinburgh) said he could speak of the bad moral effects attending the difficulty of land transfer. He held that the question was an exceedingly simple one, and could not conceive why a simple extract from the register should not be a sufficient title. He hoped, that, whatever improvement was made in the law, it would be extended to Scotland. He wanted to see the English freehold introduced there; the 40s. freehold. At present they had simply feudal tenure. He pointed out, also, that the Scotch registration system was far from being satisfactory.

Sir F. KELLY was glad that public attention had been called to the subject of the existing evils in the system, and that they were capable of easy remedy. Although they had been led to believe in this country that the evils did not exist in Scotland and elsewhere, it was clear from what had fallen from the reverend gentleman that great complaints exist in that country as well as in England. The great difficulty was not that alluded to in the papers—namely, the cost attending the transfer of the smallest portion of land. It was an evil, however, of great magnitude. To raise a sum of money on a single acre of land, it was necessary to incur all the expense attending the purchase of a large landed estate. Various remedies had been suggested in regard to this evil. He owned he thought it time for the community to ask the Legislature to inquire why we should not be able to transfer land as cheaply, expeditiously, and as effectually as stock? If it were said that the difficulty arises from the tenure of land—that estates belonged to more than one person; that they were given for life with remainder to other persons, perhaps unborn children; that they were liable to incumbrances of all sorts, loans, mortgages, &c.; then the answer was, that all these existed as well in regard to stock as in regard to land, and yet there was no difficulty and no insecurity in the transfer of stock. The question then occurred, how could registration be effected in the most satisfactory way—first, to prevent expense; and second, injustice. He could not help thinking, now that public attention had been directed to the subject, and the Commissioners had made an elaborate report, and, now that Government had intimated their intention to bring in a Bill on the matter, that it might be of some little service to the section if he threw out one or two considerations of some importance. He thought, then, that the foundation of any measure for the registration of titles and the cheap conveyance of land should be, that the title once registered should be a parliamentary title. The party transferring would thus give to the purchaser all the security that was given by the conveyance of stock. There was no difficulty about it. With the aid of Ordnance maps, or of others, upon a still larger scale, every square foot of land in the kingdom might be completely identified and registered. Then came the question of title. The register must settle the question of title in the first person registered. He would suggest the formation of courts like the Incumbered Estates Courts of Ireland, consisting of lawyers of high eminence and ability; and let any one wishing to register his title, after due notice, establish it. With regard to four-fifths of the entire landed property in England, there was no question about the title; and he ventured to think that within two or three years the owners of almost all the landed property would proceed to the courts in question, notice would be given to opponents, if there were any, and a title afforded to the proper owner. The title, as he before observed, should be a parliamentary title, and the party in whose name it was registered should be able to transfer it as stock was transferred in the Bank of England. It would be objected probably that two-thirds of the landed property of the kingdom did not belong to any one individual, or even to one set of trustees; but then that was also the case with stock. Then they might be told there would be facilities given for fraud by trustees. No doubt fraud might be committed, and so there might be in stock; but practically they never heard of it. Besides, that could easily be provided against. Just as in the case of stock a distringas could be lodged at the Bank; so, in land, a caveat could be lodged at the registry. He thought, that, if provisions were made for the establishment of titles before a court, and then giving absolute power to him in whose name the title was established to transfer it at will, a greater amount of good would be effected than by any single Act of Parliament passed within our time.

After a few words from Mr. WAKEFIELD, in dissent from the

views of Sir Fitzroy Kelly, the noble Chairman intimated that he had a few words to say upon the subject next day, and the proceedings were adjourned.

Wednesday, Oct. 14.

LORD JOHN RUSSELL concluded the debate by summing up the chief arguments that had been advanced. His Lordship stated that there could be no difference of opinion as to the magnitude of the present evil, and he thought Sir Fitzroy Kelly had made it clear that there were no insuperable difficulties in applying a remedy. He thought a parliamentary title might be arrived at with safety and certainty by the means suggested, and that transfers would afterwards be made more easily than some people imagined. He gave the experience of the Incumbered Estates Court in Ireland as an illustration of this remark. When he first brought in the Bill for instituting that court, he thought it advisable to go over to Ireland in order to ascertain what practical men thought of the probability of its working. The Chancellor of Ireland told him that the Bill could never be brought to work from its being beset with difficulties, such as those which are supposed to obstruct a more simple and inexpensive mode of conveying land. Notwithstanding this prediction, the measure was afterwards taken up by Sir Robert Peel; the Act was passed, and every one knew how easily and how well it had worked. He hoped a like result would attend a measure for simplifying the conveyance of land.

#### THE BANKRUPTCY LAWS.

MR. S. S. LLOYD, of Birmingham, read a paper containing suggestions for a new bankruptcy law. He was followed by Mr. Wm. Hawes, with another paper on the same subject.

MR. HAWES was of opinion that the great evil at present consists in our not dealing severely enough with bankrupts. He thought the certificate gave too full a discharge from debt, and that bankrupts ought to be held liable to pay their debts out of any future property they might acquire, as is the case with insolvents. He also advocated a more stringent penal system in dealing with bankrupts. The paper entered at great length into the causes and frequency of fraud, containing particulars and arguments of much interest, but not strictly belonging to this subject.

The next paper was read by Mr. RAYNER, as a deputy of the Huddersfield Chamber of Commerce. It advocated the abolition of the present Bankruptcy Courts, and the transference of their jurisdiction to county court judges. After setting forth the hardships felt by the traders of Huddersfield and other large towns, in having to go to Leeds for the transaction of bankruptcy business, Mr. Rayner contended that there was no reason why the several county courts should not be intrusted with its management. The paper also advocated a more simple and economical method of administering the estates.

A paper intitled "Suggestions from the Scottish System of Bankruptcy," by Mr. John Gilmour, was then read by Mr. ARTHUR RYLAND. Papers contributed by the Liverpool and the Leeds Chambers of Commerce were afterwards read, the former of which discussed the question of bankruptcy administration in various details, and the latter advocated uniformity of practice as respects bankrupts and insolvents, whether living or dead, and recommended the abolition of official assignees, and the employment of independent accountants under the control of the trade assignees.

MR. JABET (of Birmingham) thought the meeting ought to confine itself to general principles, and abstain from details, on which many differences of opinion would necessarily arise. He agreed with Mr. Hawes that there ought only to be one mode of dealing with parties who failed to pay their debts.

MR. JOHN SMITH defended the present system against many of the charges that had been made. In particular, he contended that the present law contains ample provisions for the punishment of offences committed by bankrupts against commercial morality, and maintained that bankrupts and insolvents could not be dealt with on the same principle without much difficulty.

MR. RAYNER contended, that, if the present law provided against offences in theory, its provisions were never carried out in practice, and that they ought to be made more specific and more imperative.

MR. HASTINGS (the Secretary of the Association) contended that there was no course but assimilating the practice in England to that in Scotland. In the latter country the estates are administered at an average expense of 8 per cent., while in England the cost is from 30 to 50 per cent. This satisfactory result is attained in the Scotch Court by the jurisdiction being vested in the sheriffs of counties, who answer to our county

court judges, and by the estates being placed in the hands of trustees nominated by the creditors in each case. He thought there would never have been a special Bankruptcy Court in this country had county courts existed at the time of its institution, and maintained that the latter are the only tribunals in which the business could be cheaply and satisfactorily performed.

Professor LEONI LEVI contended, that the great expense so generally complained of arose from the Court being too little employed, the cost of a large establishment being thrown on a very small amount of business. He thought it a question worth consideration, whether more work might not be advantageously found for it.

Mr. CAMPBELL SMITH gave an explanation of the Scotch practice, and began with expressing his surprise that one-half of the kingdom should be so ignorant of the method pursued in the other. He said they worked their bankruptcies in Scotland at an expense of about 8 per cent., and, as a Scotchman, he could not understand how his English fellow-subjects could submit to the larger expenses incurred in this country. (Lord Brougham here observed that the speaker was "making English mouths water;" whereupon Mr. Smith said, it struck him that the injunction not to muzzle the ox that treads out the corn was intended as a warrant for English bankruptcy practitioners, but he thought no ox treated in that considerate manner ought to consume so much as half the corn in the course of treading it out.)

Lord BROUGHAM stated, that there were two points of merit in the system introduced by himself in 1831, and which was still in force. One was the establishment of permanent judicial tribunals, the other the institution of official assignees. Whatever changes were made, he thought these portions of the system should be retained, though he was ready to admit the expediency of several reforms in the procedure.

At the conclusion of the discussion, Lord JOHN RUSSELL proceeded to review the arguments used by the speakers, and the opinions advanced in the papers. He thought it clear, from the unanimity of statements to that effect, that change was required. But he questioned whether gentlemen of the mercantile community had yet made up their minds on several important matters which lay at the root of the subject. He suggested that a committee should be formed to examine the papers, and present a report to the section next morning. It was ultimately resolved, on the motion of Mr. Arthur Ryland, that the deputies of the various chambers of commerce should be a committee for this purpose, that they should endeavour to agree on all the main points which had been the subject of consideration, and should report their opinion to the section.

#### SUMMARY DILIGENCE ON BILLS OF EXCHANGE.

A paper by Mr. GILMOUR, on Lord Brougham's Bill for introducing into England the Scottish System of Summary Diligence on Bills of Exchange, was read by Mr. Ryland.

#### THE COMMERCIAL LAW.

Some observations by the Liverpool Chamber of Commerce on questions concerning the commercial law were next read; and the section adjourned.

Thursday, Oct. 15.

#### THE RECORDATION OF THE LAW FOR PURPOSES OF PROMULGATION, ADMINISTRATION, AND LEGISLATION.

Mr. ARTHUR SYMONDS read a paper on this subject. A good record of the substance and the transactions of the law was a fundamental want in this country, where we have abundance of valuable material, but no means of making it available. No aid is given to inquiry or to instruction by a proper collection and systematisation of this material. There is no systematic record either of jurisprudence or administration of the law, nor is there any index of codes or chronicle either of legislation or of practice. The rude materials now existing are only useful to the actual practitioners of the law, and even they can only make use of them by great diligence and research. The country contains no law library except those of a private kind. It is no wonder, then, that legislation proceeds so slowly, and improvements in the law are introduced so seldom. The press does all it can towards giving a record of what takes place in the administration of the law, but such detached accounts are only of temporary use. It is well worth consideration whether a public recordation ought not to be instituted for the guidance of the Government and of the people. We all desire to know the law and that others should do the same, and that our legislators and administrators should have the means of becoming well acquainted with it. But we have the testimony of the Lord Chancellor that no man living either does or can know the

law perfectly under the present crude system of recordation. Everybody is concerned in our devising a remedy for this state of things: a record ought to be kept, and ought to be systematically made, well indexed, and deposited in a place where it would be accessible to all interested in seeing it. Nothing would be so useful as this kind of record in facilitating the codification, the improvement, the administration, and the observance of the law.

Mr. THEOBALD observed, that he thought the suggestion of the paper exceedingly valuable, inasmuch as recordation was a necessary step towards codification, and, through that, towards uniformity and certainty of administration.

Lord JOHN RUSSELL observed that the paper was one of great value, and that it contained the outline of a system which promised to be of much service to the country.

#### LEGAL EDUCATION.

Mr. ANDREW EDGAR read a paper on this subject. He advocated the extension of legal education to the people in general. The great advantage of the law as an object of study is, that it deals with real things and actual interests, and not with abstract ideas. It therefore surpasses mathematics and logic, the one of which has been so much advocated by Professor Whewell, and the other by Sir W. Hamilton. A person who had studied the law would have made himself conversant with matters in which we are all interested. As a mental discipline the study of law is particularly valuable in its leading to an examination of evidence, and therefore qualifying the student for ascertaining the truth or falsehood of alleged facts in other researches. At Rome the forum was the great nursery of statesmen, and a similar use might be made of our own courts. Law is connected with so many other subjects, that a due study of it leads to something like universal knowledge.

Mr. THEOBALD thought legal education was very deficient in itself, and that there was no possibility of instruction in the law being obtained by a member of the general community. Nor was there anything like a complete literature of the subject.

A long conversation then ensued respecting the present state of legal education in this country, some of the speakers contending that it was all that could be desired, others maintaining that much improvement was required. It seemed generally admitted that lectures on law are at present paid at too low a rate to secure the services of first-rate men.

Lord JOHN RUSSELL concluded the discussion by observing, that there was only an apparent difference of opinion among the speakers, the author of the paper contending for the extension of legal education among all classes, and not saying that it was imperfectly provided for in the profession itself. He thought the learned gentleman had understated the advantages of mathematics and logic as fundamental studies when he contrasted them with the study of the law. He quoted the authority of Lord Macaulay for the fact that many of our judges had been senior wranglers at Cambridge, which showed the advantage that results from men pursuing the exact kind of study appointed at that university. With reference to the relative advantage of attending lectures and of studying actual practice in preparing for the law, his Lordship thought there ought to be an admixture of the two. He thought the truth lay, as it often does in other matters of controversy, between the two; and that a good lawyer cannot well know too much either of law or of anything else. There was one other subject on which he had a few words to say, especially as he had been placed in a position to know as much of it as most men—that was, on the amount of legal knowledge possessed by young men of our upper classes, which he pronounced to be exceedingly scanty. Gentlemen engaged in the duties of quarter sessions and of Parliament with no previous acquaintance whatever with the laws of their own country, though they were often deeply read in what took place in the senate of Athens or of Rome. The late Sir Robert Peel determined on sending his son into a pleader's office, not with the intention of his practising the law, but that he might acquire that knowledge of law which would qualify him for discharging other duties with advantage. This example might be profitably followed by all who wished to educate young men efficiently for a high position in the country.

#### PARTNERSHIP REGISTRATION AND LIMITATION OF LIABILITY.

Mr. WEST read a paper from the Bristol Chamber of Commerce on this subject. The paper set out with recounting a resolution of the late mercantile conference, to the effect that the interests of trade require all partnerships to be registered. No steps have hitherto been taken to give effect to this resolution, and it had been thought advisable to bring the subject again before the public by submitting a paper on it to this



Association. The paper also advocated an extension of the principle of limited liability to private partnerships, on the ground that there was no reason why it should be restricted to companies of a particular constitution, or consisting of a particular number of shareholders. Propositions for a bill to provide registration of partnerships were then submitted in full detail, superintendent-registrars of unions being suggested as the officers in whose hands the carrying out of the measure might be placed. The paper concluded with a motion, to the effect that the meeting approved the system of registration, with the detailed propositions for effecting it contained in the scheme submitted by the Bristol Chamber of Commerce.

Mr. EDGAR contended that registration should only be adopted for important public reasons, which did not exist in the case of partnerships. The names of partners in a house of business were of no interest, except to those who had dealings with it, and he thought they could protect themselves by ascertaining beforehand who constituted the house with which they were about to have transactions. Independent of this, he thought the details of the proposed scheme were imperfect.

Mr. ARTHUR RYLAND entirely differed from the last speaker, and maintained that great injury arises from allowing men to trade under a false name without having first registered their true one. He had paid great attention to the subject, and had himself known many instances where a just claim was defeated because there were no means of ascertaining the exact names of those against whom the law required it to be made. Perhaps a firm trading as A. B. incurs a debt, and refuses to pay it. An action is brought, judgment is obtained, and the claimant proceeds to execution. Then he is met by an announcement that there is another partner in the house, and he consequently loses the time and the money he has spent in the proceeding. Justice is thus defeated, and great private injury sustained.

The representative of the Bradford Chamber of Commerce stated that the opinion in his district was decidedly in favour of registration.

Mr. W. R. LLOYD thought a hint might be taken from the Government, who always required the registration of parties engaged in a trade which dealt in excisable articles.

After observations from Professor LEVI, who thought the evil might be diminished by treating a firm as one person, and others,

Lord JOHN RUSSELL thought the present meeting ought not to commit itself to matters of detail; and, while he was himself of opinion that very strong arguments had been used on either side, he suggested that some gentleman should propose a motion to the following effect:—"That it is the opinion of this department that it is expedient to establish a system of general registration of private partnerships." This would test the feeling of the gentlemen present, and the vote on it might be taken as an expression of public opinion.

The vote having been proposed and seconded, was carried by a large majority; Messrs. Edgar and Theobald being its only opponents.

#### THE FURTHER ADVANCEMENT OF LAW REFORM.

Mr. THEOBALD read a paper in which he advocated the assimilation of jurisdiction in all legal tribunals; the differences now existing between which were traced by the author to numerous accidental causes.

#### THE 17TH SECTION OF THE STATUTE OF FRAUDS.

Mr. G. W. HASTINGS advocated the repeal of this section. He pointed out the hardships of the enactment at considerable length, and contended that there was no sound objection to its repeal.

Mr. THEOBALD thought the subject required to be approached carefully, especially since so experienced a man as Lord Tenterden was known to be in favour of the enactment.

Mr. LEONI LEVI and Mr. CAMPBELL SMITH stated that no such provision existed in Scotland; and a general feeling seemed to prevail among the gentlemen present in favour of its repeal in this country.

Lord JOHN RUSSELL said, he had found the opinion of merchants and bankers in London to be so decidedly against repealing the section, that he had hesitated as to the wisdom of interfering with it. But he thought Mr. Hastings had shown sufficient ground for thinking his apprehensions unfounded.

Mr. HASTINGS then moved that the subject be referred to a general committee as one of the subjects to be taken into consideration, with the view to legislation, which was adopted.

#### BANKRUPTCY.

Mr. J. D. GOODMAN then brought up the Report of the committee appointed to consider the plan of bankruptcy reform. The Report stated that the members of the committee were of opinion

that the various papers read before his department, together with the Scotch Act, contained sufficient materials on which to frame an efficient Bill, and proposed that another committee should be appointed to draw up the Bill, consisting of three members of the Association, and two members of each Chamber of Commerce and Trade Protection Society in the kingdom; the Bill to be presented at the next session of Parliament.

Lord JOHN RUSSELL thought the department ought not to pledge itself to introduce the Bill in the next session of Parliament; and it was ultimately determined that the committee should be named as suggested, and that it should communicate with the Attorney-General when the provisions of the new Bill had been agreed upon.

Friday, Oct. 16.

The Secretary, Mr. A. RYLAND, read the Report, which contained a record of the various papers read, and of the resolutions agreed to, on transfer of land, bankruptcy, registration of partnerships, and the Statute of Frauds. The Report was agreed to.

## Court Papers.

### Exchequer of Pleas.

SITTINGS IN BANCO.—MICHAELMAS TERM, 1857.

Monday, Nov. 2	.....	Motions and Peremptory Paper.
Tuesday, Nov. 3	.....	Errors, Peremptory Paper, and Motions.
Monday, Nov. 9	.....	Special Paper.
Wednesday, Nov. 11	.....	Special Paper.
Thursday, Nov. 12	.....	Sheriffs nominated.
Saturday, Nov. 14	.....	Criminal Appeals.
Monday, Nov. 16	.....	Special Paper.
Wednesday, Nov. 18	.....	Special Paper.

### SPECIAL PAPER.

REMANETS FROM TRINITY TERM, 1857.

For Argument.

Dem.	Brewer v. Dimmack and Another.	June 16, 1856—part heard. Standing for arrangement.
Sp. Case.	Barstow v. Reynolds.	May 27, 1857—part heard. To stand over until case in Exchequer Chamber disposed of.
Sp. Case.	Walker v. Gos and Another.	To stand over until same point in Exchequer Chamber disposed of.
Dem.	Kindersley v. Grey.	
Dem.	Martin v. Meredith.	June 1, 1857—part heard. To stand over until issues in fact tried.

### NEW CASES.

Sp. Case.	Edmonds v. Eastwood and Another.	
"	Preston, clerk, &c., v. The Norfolk Railway Co. and The Eastern Counties Railway Co.	
Dem.	The Solvency Mutual Guarantee Co. v. Rigby.	
Sp. Case.	Monk and Another v. Sharp.	
Dem.	Kidd v. Moggridge.	
Sp. Case.	[Rogers v. Zoncada.	
	[Zoncada v. Rogers.	

### NEW TRIAL PAPER.

REMANETS FROM TRINITY TERM, 1857.

For Judgment.

Middlesex.	Hills v. The London Gas Light Co.	
Gloucester.	Holls v. Marshall.	

For Argument.

London.	Novill v. Pimm and Another.	
"	Wyatt v. Dethick.	
Middlesex.	Abbott v. Feary.	
"	Evans and Another v. Wright.	
"	May v. Stevens.	

### Exchequer Chamber.

ERRORS AND APPEALS FROM THE COURT OF EXCHEQUER.

The Court will sit, on Tuesday, Nov. 3, 1857, at 10 o'clock.

For Judgment.

Error.	Muggleton v. Barnett and Another.	Heard Feb. 6, 1857.
"	Gibbs and Others v. The Trustees of the Liverpool Docks.	Heard Feb. 7 and June 19, 1857.
Appeal.	Marriage v. The Eastern Counties Railway Co. and the London and Blackwall Railway Co.	Heard June 20, 1857.

## Births, Marriages, and Deaths.

### BIRTHS.

BOOTH—On Oct. 16, at 3 New Cavendish-street, Portland-place, the wife of George Booth, Esq., Solicitor, of a daughter.  
KELLY—On Oct. 18, at 4 Waltham-terrace, Blackrock, near Dublin, the wife of Henry Leland Kelly, Solicitor, of a daughter.  
MAYHEW—On Oct. 16, the wife of Frederick Mayhew, Esq., of Chalcot-villas, Haverstock-hill, and of Argyll-place, Regent-street, of a daughter.  
UDNY—On Oct. 17, at 10 Ormond-terrace, Regent's-park, the wife of George Udney, of Lincoln's-inn, Barrister-at-Law, of a daughter.

### MARRIAGES.

BOULTON—SMITH—On Oct. 20, at the Parish Church, West Ham, Essex, by the Rev. A. J. Ram, Vicar, James, second son of William James Boulton, Esq., of Northampton-square and Holloway, to Mary

Ann, eldest daughter of Thomas Sidney Smith, Esq., of Great Tower-street, and Upton, Essex.

LYNE—COTTON—On Oct. 20, at Shermanbury, Sussex, by the Rev. Prebendary Lyne, Vicar of Tywardreath, Cornwall, assisted by the Rev. J. M. Glubb, Rector of Shermanbury, De Castro Elsher Lyne, Esq., of the Middle Temple, to Penelope Wheeler, youngest daughter of John Cotton, Esq., of Westbourne-terrace, London.

## DEATHS.

CLARKE—On Oct. 17, at Brompton, Mr. Thomas Robert Clarke, of 110 Fenchurch-street, London, Solicitor, aged 40.

COOPER—On Oct. 20, at 6 Baring-place, Exeter, in his 53rd year, Edward Priestly Cooper, of the Middle Temple, Barrister-at-Law.

EDMONDS—On Oct. 20, at 20 Clarendon-place, Plymouth, aged 26, Harriett Elizabeth, the only daughter of John Edmonds, Solicitor.

HASSARD—On Oct. 6, at the Queen's Hotel, Cheltenham, William Henry Hassard, Esq., Q.C., of Waterford, for many years Recorder of that city.

JARVIS—On Oct. 19, at King's Lynn, Lewis Weston Jarvis, Esq., aged 84

## Unclaimed Stock in the Bank of England.

*The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—*

BEINE, ALICIA CATHERINE, Widow, Blandford, £100 New 3 per cents.—Claimed by JAMES BEINE, administrator.

CHAMBER, REV. WILLIAM, LYNN, Norfolk, £29 : 8 : 8 Consols.—Claimed by WILLIAM CHAMBER.

DEVOLI, ELIZABETH, Widow, Two Waters, Herts, since wife of JAMES WANT, Gent., of the same place, £200 Consols.—Claimed by ELIZABETH CATLING, wife of GEORGE CATLING, administratrix to ELIZABETH WANT, wife of JAMES WANT, deceased (formerly DEVOLI, Widow).

HOLE, JOHN, Gent., Newport, Bayntaple, and WILLIAM HOLE, Surgeon, South Molton, Devonshire, £112 : 2 : 8 New 3 per Cents.—Claimed by WILLIAM HOLE, the survivor.

HINTON, WILLIAM SAMUEL, and JOHN GLOVER, Wardens of St. Saviour's, Southwark, and HERBERT STURMY, Gent., Wellington-st., London-bridge, £40 : 4 : 3 Consols.—Claimed by WILLIAM SAMUEL HINTON and HERBERT STURMY, the survivors.

MARRIOTT, WILSON, Lieut. 6th Regt. of Madras Cavalry, £19 : 19 : 4 Reduced.—Claimed by EMMA MARRIOTT, Widow, sole executrix.

OWEN, REV. EDWARD, Clerk, KATHERINE OWEN, his wife, and EDWARD OWEN, Jun., all of St. Leonard's, Wendover, Bucks, £20 Consols.—Claimed by EDWARD OWEN, and EDWARD OWEN, Jun., the survivors.

WILSON, REV. ROGER CARES, Vicar of Preston, £27 : 5 Reduced.—Claimed by FRANCES HARRIET GOODLAND CARES WILSON, Widow, sole executrix.

LANGLEY, THOMAS, deceased, Golding, Salop, £200 Old South Sea Annuities.—Claimed by FRANCES LANGLEY, Widow, administratrix.

MOORE, REV. GEORGE, Wrotham, Kent, Rev. ROBERT MOORE, Hunton, Kent, and JOHN MOORE, Esq., Charles-st., Berkeley-sq., £1,000 Consols.—Claimed by REV. ROBERT MOORE, the survivor.

## Money Market.

## CITY, FRIDAY EVENING.

The Bank of England raised their rate of discount on Monday last to 8 per Cent. It had stood at 7 per Cent. only since the previous Monday. A remarkable degree of tranquillity has existed in the Money Market under the pressure of this extraordinary rate of interest. The Bank of France raised their rate on Tuesday from  $6\frac{1}{2}$  to  $7\frac{1}{2}$  per Cent. This advance has not prevented great steadiness being maintained on the Paris Bourse. The rate of discount at Hamburg has advanced to 9 $\frac{1}{2}$  per Cent., and the difficulty of obtaining money upon bills is reported to be very great.

The intelligence from America which caused last Monday's advance in the Bank rate of discount was accompanied by an additional long list of failures. Further information from thence, and also from the East Indies, is expected with great anxiety. The East India Company have given notice of an addition equal to four per Cent. on their bills on India. This added to a previous increase, is an effectual stop upon any drain from that quarter upon local resources in India. General stability is clearly seen in the trade and shipping interest of this country. A large portion of the dividends lately received at the Bank has been invested in stock, and the price of funds thereby maintained, notwithstanding the high rate of interest obtainable on bills. The fluctuations in the English Funds have been inconsiderable. Consols close this afternoon at 88 $\frac{3}{4}$  to  $\frac{1}{2}$  per Cent. The amount of specie shipped by the Indus on the 21st instant for India and China was £775,768.

From the Bank of England return for the week ending the 17th October, 1857, which we give below, it appears that the amount of notes in circulation is £20,183,245, being an increase of £193,135; and the stock of bullion in both departments is £9,524,478, showing a decrease of £585,465 when compared with the previous return. The reserve of notes in the banking department stands in the same account at £3,217,185, having suffered a reduction during the week of £807,215.

The advance in the rate of discount, on Monday, brings it up to 8 per cent.—the point at which it stood in the greatest excitement of the panic of 1847; but the state of domestic affairs in England is widely different now from then. We are at present enjoying the fruits of a productive harvest of superior quality. In 1847, famine in Ireland, and short supplies in England, made very large importations of food necessary. The demand was supplied; and a large body of speculators in corn failed in consequence of a fall in the price of wheat from 92s. 10d. per qr. in June, to 52s. 9d. in Sept. About the same time, the great East India establishments maintained by Reid, Irving, & Co., Lyalls & Co., and Cockerell & Co., suspended their payments. More than all, the almost incredible amount of railway undertakings which received the sanction of Parliament in 1846, and which involved an expenditure of £120,000,000, was to be provided for in 1847. The Bank rate of discount from January to September, 1847, was 4, 5, and 5 $\frac{1}{2}$  per cent. In October, when the climax of embarrassment was reached, the rate of discount was advanced to 8 per cent.; but the commercial world was then too much alarmed by the apprehension of an insupportable drain of money to be satisfied with any degree of security that could be derived from a high rate of interest. Those who had plenty of money were afraid to part with it on any terms. The strain, partly real and partly artificial, became so intense that an urgent entreaty from bankers and merchants produced, on Monday the 25th of October, a letter from the First Lord of the Treasury and the Chancellor of the Exchequer, authorising the Bank to issue notes upon security at 8 per cent., without regard to the limitation of the Bank Act of 1844. Confidence was restored by this relaxation of the law, and the panic subsided without the additional assistance offered by the Government letter being resorted to.

The Directors of the Bank have profited by experience of the working of the Bank Restriction Act: they have gradually advanced their rate for discount to its present standing, and have thereby applied a timely check to the exportation of specie, both to the United States and to the continent of Europe. Their line of policy seems to receive the approbation and support of bankers and merchants; and the result is, the tranquillity which now prevails.

The pecuniary pressure which at present weighs so heavily in this country is felt in a great degree throughout Europe. It would, therefore, be incorrect to attribute our difficulties wholly to the panic in the United States. Nor, if we join thereto the pecuniary results of the convulsion sustained in the East Indies, shall we be correct in attributing exclusively to these two causes the very great derangement which our Money Market now has to sustain. As money is scarce and dear throughout the Continent, it will, of course, be scarce and dear in England. It does not, however, admit of any doubt that the previous and recent intelligence from America has chiefly been the cause of the successive advances in the rate of discount at the Bank, and also of considerable addition to our commercial embarrassments.

The origin of the extraordinary panic and stagnation which has obtained such wonderful dimensions in the United States is derived in some degree from the influence of the newspapers. A part of the press made it its daily business during many weeks before the panic assumed its present dimensions to publish statements that certain stocks and shares were worth little or nothing, and by persevering in these denunciations from day to day created insolvency in many cases where otherwise it never would have existed. The journals are to a great extent divided into supporters of the Bulls and the Bears, and the chief organ of the Bear party has long been engaged in circulating statements for the purpose of destroying the credit of all the principal railways. But without doubt there are other causes, real and substantial, to which the panic may be traced. Many railway undertakings are unremunerative, and several banks have got into difficulties from advances they have made to railways. Where undertakings, demanding large outlay of capital, depend so much as in the United States upon mutual support and accommodation—when the feeling of want of confidence comes into action, the rapidity and extent of its destructive operation is immense. To these causes may be ascribed the present general panic. It pervades all classes, and has paralysed the whole manufacturing and mercantile progress.

The agricultural and commercial state of the country is believed to be generally sound, and to show signs of vigour and prosperity which may be favourably contrasted with indications of similar character in previous times of difficulty. The crops have been unusually productive; and, although under the united influence of large supplies and commercial pressure, prices

of agricultural produce decline, they continue remunerative. The planters who, on former occasions of difficulty were in debt to the merchants, are now comparatively free from embarrassment. The general community must suffer for some time, but there is no reason to expect any permanent obstacle to prosperity, nor more than a temporary suspension or diminution in the demand for the products of British industry in the United States.

### English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock .....	213	213½	214 12	214 12	212	210
3 per Cent. Red. Ann. ...	87½ 88½	87½ 88½	87½ 88½	87½ 88½	87½ 88½	87½ 88½
8 per Cent. Cons. Ann. ...	88½ 9 88½	88½ 9 88½	88½ 9 88½	88½ 9 88½	88½ 9 88½	88½ 9 88½
New 3 per Cent. Ann. ...	87½ 88½	87½ 88½	87½ 88½	87½ 88½	87½ 88½	88½
New 3½ per Cent. Ann. ...	...	...	...	...	...	...
5 per Cent. Annuities ...	...	...	...	...	...	...
Long Ann. (exp. Jan. 5, 1860) ...	...	2	2	2 1-16	2	2
Do. 30 years (exp. Oct. 10, 1859) ...	...	...	1 13-16	...	...	1½
Do. 30 years (exp. Jan. 5, 1860) ...	...	...	...	2½	...	...
Do. 30 years (exp. Apr. 5, 1860) ...	...	...	17½	...	17½	17½
India Stock .....	209	...	210 8	209½ 84	210½	...
India Bonds (£1,000) ...	...	...	...	35s. dis.	35s. dis.	...
Do. (under £1,000) ...	30s. dis.	23s. dis.	23s. dis.	25s. dis.	28s. dis.	...
Exch. Bills (£1,000) Mar. ...	4s. dis.	5s. dis.	12s. dis.	13s. dis.	11s. dis.	...
June ...	...	...	...	...	...	...
Exch. Bills (£500) Mar. ...	4s. dis.	6s. dis.	...	14s. dis.	12s. dis.	...
June ...	...	...	...	...	...	...
Exch. Bills (Small) Mar. ...	4s. dis.	6s. dis.	10s. dis.	8s. dis.	9s. dis.	...
June ...	...	...	...	...	...	...
Exch. Bills Advertised ...	...	...	...	...	...	...
Exch. Bonds, 1858, 3½ per Cent. ...	98½	98½	...	98½	...	...
Exch. Bonds, 1859, 3½ per Cent. ...	98	...	...	...	97½	97½

### Insurance Companies.

Equity and Law .....	6
English and Scottish Law .....	4
Law Fire .....	4½
Law Life .....	63
Law Reversionary Interest .....	19
Law Union .....	par
Legal and Commercial .....	par
Legal and General Life .....	par
London and Provincial .....	par
Medical, Legal, and General .....	par
Solicitors' and General .....	par

### Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bristol and Exeter ...	...	...	...	...	...	...
Caledonian ...	79½	77½	77½ 88	79½	79	79½
Chester and Holyhead ...	...	31½	...	30½	...	...
East Anglian ...	18½	18½	18½	18	18½	...
Eastern Union A stock ...	...	...	...	...	...	...
East Lancashire ...	90	90 89½	91	90	90	90
Edinburgh and Glasgow ...	...	...	...	62½	...	...
Edin., Perth, & Dundee ...	27½	27½	...	...	...	...
Glasgow & South Western ...	95½ 4½	95½ 4½	95½	96 5½	95	95
Great Northern ...	...	...	...	...	...	...
Gr. South & West. (Gr.) ...	52½ 4½	52 1½ 4½	52½ 4½	52½ 4½	52 1½	52 1½
Great Western ...	94½ 4½	93½ 2½	92½ 2½	93½ 4	93½ 3	93½ 3
Lancashire & Yorkshire ...	102 3	102	102 3	102 3	...	...
London & North Western ...	96½	95½ 4½	95½	96½ 5½	95½ 6	96 5½
London and S. Western ...	89½ 9	89½	88½ 91	91½	90½	89½ 9
Man., Shef., and Lincoln ...	39½	...	38 7½	39	...	38½
Midland ...	81 24	81½ 4	81½	82½ 18½	81½ 2	82
Norfolk ...	...	...	...	...	...	...
North British ...	46½ 7½	47½ 8	48 7½	47½	...	...
North Eastern (Berwick) ...	92	91½	90½	91½ 1	91½ 1	91½
North London ...	...	...	...	...	...	...
Oxford, Worc. & Wols. ...	30	...	29½	29½ 4	30	...
Scottish Central ...	101	...	...	102	...	...
Scot. N.E. Aberdeen Stock ...	...	...	...	...	...	...
Shropshire Union ...	47½	...	...	...	...	46½
South-Eastern ...	63½ 4½	63 2½	62½	63½ 4	63½ 4	...
South-Wales ...	81 2	...	...	...	81½	...

### Bank of England.

AN ACCOUNT, PURSUANT TO THE ACT 7TH AND 8TH VICTORIA, C. 32, FOR THE WEEK ENDING ON SATURDAY, THE 17TH DAY OF OCTOBER, 1857.

#### ISSUE DEPARTMENT.

£	£
Notes issued . . . . .	23,400,430
Government Debt . . . . .	11,015,100
Other Securities . . . . .	3,459,900
Gold Coin and Bullion . . . . .	8,925,430
Silver Bullion . . . . .	...
<b>£23,400,430</b>	<b>£23,400,430</b>

#### BANKING DEPARTMENT.

£	£
Proprietors' Capital . . . . .	14,553,000
Reserve . . . . .	3,222,817
Public Deposits (including Exchequer, Savings' Banks, Commissioners of National Debt, and Dividend Accounts) . . . . .	4,633,021
Other Deposits . . . . .	11,132,431
Seven day & other Bills . . . . .	869,070
<b>£34,610,339</b>	<b>£34,610,339</b>

Dated the 22nd day of October, 1857.

M. MARSHALL, Chief Cashier.

### London Gazettes.

#### NEW MEMBER OF PARLIAMENT.

FRIDAY, Oct. 23, 1857.

*Borough of Oldham.*—William Johnson Fox, Esq., of Sussex-place, Regent's-park, Middlesex, vice James Platt, Esq., deceased.

#### Bankrupts.

TUESDAY, Oct. 20, 1857.

BUDDLE, WILLIAM, Buldler, Delamere-ter, Paddington. *Pet. for Arrgmt.* June 16. Nov. 3, at 2.30, and Dec. 1, at 1; Basinghall-st. *Com. Holroyd. Off. Ass. Edwards. Sols. Lawrence, Flew, & Boyer, 14 Old Jewry-chambers.*

CARR, WILLIAM, Cheesemonger, 151 Bishopsgate-st. Without, and Walworth-rd. *Pet. Oct. 19. Nov. 3, at 12, and Dec. 3, at 1; Basinghall-st. Com. Evans. Off. Ass. Johnson. Sol. Teague, Crown-st., Cheap-side.*

CHRISTIE, MELDRUM, Baker, 412 Oxford-st. *Pet. Oct. 19. Oct. 29, at 12.30, and Nov. 24, at 11.30; Basinghall-st. Com. Evans. Off. Ass. Bell. Sol. Holmer, 24 Bucklersbury.*

COLLINS, FREDERICK, Pawnbroker, 116 and 117 Drury-la. *Pet. Oct. 17. Nov. 3 and Dec. 1, at 12; Basinghall-st. Com. Holroyd. Off. Ass. Lee. Sol. Jaquet, 9 New-inn, Strand.*

EARNshaw, ALFRED, Hosiery-dealer, Sheffield. *Pet. Oct. 17. Oct. 31 and Nov. 28, at 10; Council-hall, Sheffield. Com. West. Off. Ass. Brewin. Sol. Unwin, Sheffield.*

GIBBS, WILLIAM, Soda-water Manufacturer, Shambles, Worcester. *Pet. Oct. 8. Nov. 4 and 25, at 10; Birmingham. Com. Balguy. Off. Ass. Whitmore. Sols. Hughes, Worcester; or Smith, Birmingham.*

JONES, PHILIP, Flannel Manufacturer, Newtown, Montgomeryshire. *Pet. Oct. 12. Nov. 5 and Dec. 3, at 12; Liverpool. Com. Stevenson. Off. Ass. Bird. Sols. Rogers & Pencoek, 4 Chapel-st., Liverpool.*

MATTHEWS, THOMAS, & JOHN MATTHEWS, Turn-screw-makers, Sheffield. *Pet. Oct. 17. Oct. 31 and Nov. 28, at 10; Council-hall, Sheffield. Com. West. Off. Ass. Brewin. Sol. Broadbent, Sheffield.*

MOSLEY, CHARLES, & JOHN MARLOW MOSLEY (Mosley & Son), News Agents, 16 Catherine-st., Strand. *Pet. Oct. 17. Oct. 31, at 1, and Dec. 1, at 12; Basinghall-st. Com. Holroyd. Off. Ass. Edwards. Sols. Rogers & Ford, 31 Lincoln's-inn-fields.*

ORFORD, WILLIAM, Grocer, Gt. Yarmouth, Norfolk. *Pet. Oct. 13. Oct. 29, at 11, and Dec. 3, at 12; Basinghall-st. Com. Evans. Off. Ass. Bell. Sols. Sol. Turner, & Turner, Aldermanbury.*

RODDA, WILLIAM JOHN, Buldler, Albion-villa, Tottenham-rd., Kingsland. *Pet. Oct. 19. Oct. 30, at 11, and Nov. 27, at 1.30; Basinghall-st. Com. Fane. Off. Ass. Whitmore. Sols. Crosley & Burn, 34 Lombard-st.*

ROWLANDS, JOHN, Joiner, Buldler, and Licensed Victualler, St. Asaph, Flintshire. *Pet. Oct. 17. Nov. 3 and 28, at 11; Liverpool. Com. Perry. Off. Ass. Morgan. Sols. Holt & Rowe, Liverpool; or Wyatt & Sisson, St. Asaph.*

SLADE, JOHN, & JAMES TALLY VINING, Attorneys and Money Scriveners, Yeovil, Somersetshire. *Pet. Oct. 19. Nov. 2 and Dec. 3, at 11; Queen-st., Exeter. Com. Bere. Off. Ass. Hirtzel. Sols. Stogdon, Exeter; or Murley, Langport.*

WILLIAMS, ELLIS, Ironfounder, Black-bridge Foundry, Holyhead. *Pet. Oct. 16. Nov. 6 and 27, at 12; Liverpool. Com. Stevenson. Off. Ass. Turner. Sols. Lowndes, Bateson, & Lowndes, Liverpool.*

FRIDAY, Oct. 23, 1857.

BEALEY, RICHARD R., & DAVID BEALEY, Shirt and Stock Manufacturers, Aytoun-st., Manchester. *Pet. Oct. 12. Nov. 9 and 30, at 12; Manchester. Off. Ass. Herniman. Sols. Sturdy, 29 Bucklersbury; or Chapman & Roberts, Manchester.*

BOWBER, JOHN (Whitwill & Bowber), Oil and Colourman, Bristol. *Pet. Oct. 22. Nov. 3 and Dec. 1, at 11; Bristol. Com. Hill. Off. Ass. Acraman. Sols. Britton & Son, Small-st., Bristol; or Savery, Clark, Fussell, & Pritchard, Clare-st., Bristol.*

CHANDLER, THOMAS, Surgeon and Apothecary, 58 Paradise-st., Rotherhithe, Surrey, and also formerly a Brickmaker, at Otterham, Kent. *Pet. Oct. 17. Oct. 30, at 11, and Dec. 4, at 12; Basinghall-st. Com. Fane. Off. Ass. Whitmore. Sols. Linklater & Hackwood, 17 Sica-l, Bucklersbury.*

DAVIES, DAVID, Grocer, Pontlottyn, Gelly-Fear, Glamorganshire, and Cwyn Saint Matthew, Monmouthshire. *Pet. Oct. 20. Nov. 3 and Dec. 1, at 11; Bristol. Com. Hill. Off. Ass. Acraman. Sols. Forward, Tredgar; or Bevan & Girling, Small-st., Bristol.*

DOBSON, WILLIAM, & JOHN THOMAS ROBSON, Silk Throwsters, Derby. *Pet. Oct. 20. Nov. 10 and Dec. 1, at 10.30; Shirehall, Nottingham. Com. Balguy. Off. Ass. Harris. Sol. Pickering, Derby.*

HARDWICK, TOM WILLIAM, & WILLIAM WILSON, Drapers, Hunslet, Leeds. *Pet. Oct. 19. Nov. 13 and Dec. 1, at 11; Commercial-bldgs., Leeds. Com. West. Off. Ass. Young. Sols. Currie & Cudworth, Leeds.*

HASSELL, SAMUEL TALBOT, Merchant, Kingston-upon-Hull. *Pet. Oct.*



17. Nov. 11 and Dec. 16, at 12; Townhall, Kingston-upon-Hull. *Com. Ayrton. Off. Ass. Carrick. Sols. Stamp & Jackson, Kingston-upon-Hull.*

LEE, JOSEPH, Engine Manufacturer, Wolverhampton, Staffordshire. *Pet. Oct. 13. Nov. 2 and Dec. 2, at 10.30; Birmingham. Com. Balguy. Off. Ass. Whitmore. Sols. Bolton, Wolverhampton; or E. & H. Wright, Birmingham.*

POOL, FREDERICK WILLIAM, Licensed Victualler and Shoemaker, Bristol. *Pet. Oct. 20. Nov. 5 and Dec. 7, at 11; Bristol. Com. Hill. Off. Ass. Miller. Sols. Devan & Girling, Bristol.*

SHAW, EDWARD, Draper, Kingston-upon-Hull. *Pet. Oct. 6. Nov. 4 and Dec. 9, at 12; Town-hall, Kingston-upon-Hull. Com. Ayrton. Off. Ass. Carrick. Sols. Sale, Worthington, & Shipman, Manchester; or Richardson & Gaunt, Leeds.*

SIBLEY, HENRY, Mining Agent, 4 Birch-in-la, Cornhill. *Pet. Oct. 21. Nov. 5, at 11, and Dec. 3, at 2; Basinghall-st. Com. Evans. Off. Ass. Johnson. Sols. Philp, 26 Bucklersbury.*

SIDDEEN, THOMAS, Coal, Timber, and Flint Merchant, Rochester, Kent. *Pet. for adj. Oct. 16. Nov. 3, at 12.30, and Dec. 4, at 11; Basinghall-st. Com. Evans. Off. Ass. Johnson. Sols. Dalton, 9 King's Arms-yd.*

SISSONS, EDWARD BREAKER, Grocer, York. *Pet. Oct. 20. Nov. 5 and Dec. 4, at 11; Commercial-bldg., Leeds. Com. West. Off. Ass. Young. Sols. Gell, Jun., York; or Bond & Barwick, Leeds.*

SWIRE, WILLIAM, Barden, near Skipton, Yorkshire, & JAMES BLAIR, Shipley; carrying on business in partnership at Barden (Swire & Blair) as Contractors and Builders. *Pet. Oct. 13. Nov. 5 and Dec. 4, at 11; Commercial-bldg., Leeds. Com. West. Off. Ass. Young. Sols. Terry, Watson, & Watson, Bradford; or Bond & Barwick, Leeds.*

WYCH, THOMAS, Innkeeper, Macclesfield, Cheshire. *Pet. Oct. 21. Nov. 4 and 25, at 1; Manchester. Off. Ass. Hernaman. Sols. Parrott, Colville, & May, Macclesfield.*

## MEETINGS.

TUESDAY, Oct. 20, 1857.

ADAMS, SAMUEL (Samuel Adams & Co.), Banker, Ware, Herts. Oct. 30, at 11; Basinghall-st. *Com. Fane. Prof. of a Debt.*

ANDREWS, HENRY QUINCY, American Drug Merchant, 373 Strand. Nov. 10, at 11.30; Basinghall-st. *Com. Evans. Div.*

BAILEY, WILLIAM, Jun., Carver, Gilder, and Looking-glass Maker, 68 Buttesland-st., Hoxton. Nov. 11, at 11.30; Basinghall-st. *Com. Goulburn. Div.*

BURGESS, SAMUEL, Salt Manufacturer, Wharton, Cheshire. Nov. 11, at 12; Liverpool. *Com. Perry. Div.*

CAMERON, WILLIAM OULVIE, Export Oilman, 9 Camomile-st. Nov. 10, at 11.30; Basinghall-st. *Com. Fonblanque. Div.*

COLLETT, MARTIN, Miller, Stanley Downton, Leonard Stanley, Gloucestershire. Nov. 10; Bristol. *Com. Hill. Last Ex. (whilstood adj. nine die).*

COX, HENRY IVIMY, Grocer, High-st., Stratford, West Ham, Essex. Nov. 10, at 12.30; Basinghall-st. *Com. Evans. Div.*

FOA, OCTAVE, Merchant, 55 Old Broad-st. Nov. 11, at 1; Basinghall-st. *Com. Goulburn. Div.*

FOSCOLO, PETER GEORGE (P. G. Foscolo & Co.), Corn Merchant, 3 Dunster-ct., Mincing-la. Nov. 10, at 11; Basinghall-st. *Com. Evans. Div.*

GLINISTER, GEORGE WILLIAM, 1 Spring-gdn.-pl., Stepney, & WILLIAM JOSEPH GLINISTER, 7 Green-st., Stepney, Grocers and Copartners. Nov. 10, at 12; Basinghall-st. *Com. Evans. Div.*

HEWITT, JOHN, Jun., Miller and Flour-seller, late of Halvergate, Norfolk, and now abroad, beyond the seas. Oct. 30, at 12; Basinghall-st. *Com. Fane. Last Ex.*

JAMES, THOMAS EDWARD, Wine and Spirit Merchant, Cowbridge, Glamorganshire. Nov. 26, at 11; Bristol. *Com. Hill. Fur. Div.*

KEATING, THOMAS, Druggist, 79 St. Paul's-church-yd. Nov. 10, at 12; Basinghall-st. *Com. Holroyd. Div.*

MARSHALL, THOMAS, Boot and Shoe Maker, Hartlepool, Durham. Nov. 13, at 12.30; Royal-arcade, Newcastle-upon-Tyne. *Com. Ellison. Div.*

MITCHELL, WILLIAM, HENRY MITCHELL, & JOHN MITCHELL (W. Mitchell & Bros.), Worsted Spinners, Hoarstones, Forest of Pendle, Lancashire. Nov. 11, at 1; Manchester. *Com. Skirrow. Fur. Div.*

MORRIS, WILLIAM, Grocer, Liverpool. Nov. 11, at 12; Liverpool. *Com. Perry. Div.*

MORSE, FREDERICK (Morse & Co.), Rice and Spice Merchant, 2 Dunster-ct., Mincing-la. Nov. 10, at 2; Basinghall-st. *Com. Fonblanque. Div.*

PAIR, JOHN, Woollendrapier, Wolverhampton, Staffordshire. Nov. 11, at 10.30; Birmingham. *Com. Balguy. Div.*

ROBERTS, WILLIAM FLETCHER, Apothecary and Surgeon, Moreton-in-the-Marsh, Gloucestershire. Nov. 26, at 11; Bristol. *Com. Hill. Div.*

ROSE, WILLIAM, Baker, 165 Kingsland-rd., St. Leonard, Shoreditch. Nov. 10, at 12; Basinghall-st. *Com. Evans. Div.*

RYDER, THOMAS, Merchant, 76 Old Broad-st. Nov. 10, at 12.30; Basinghall-st. *Com. Holroyd. Div.*

SOLOMONS, SOLOMONS, Tailor, 1 Strand. Nov. 10, at 1.30; Basinghall-st. *Com. Fonblanque. Div.*

WALKER, JOHN (J. Walker & Co.), Tobaccoist, Liverpool and Rochdale, Lancashire. Nov. 12, at 11; Liverpool. *Com. Stevenson. Div.*

WILLIAMS, JOSEPH, Tailor, 4 Rochester-ter., Vauxhall-bridge-rd. Nov. 10, at 2; Basinghall-st. *Com. Fonblanque. Div.*

FRIDAY, Oct. 23, 1857.

ARCHER, GEORGE, Corn and Seed Merchant, Great Clacton, near Colchester, Essex. Nov. 3, at 12; Basinghall-st. *Com. Fonblanque. (By adj. from Aug. 6) Last Ex.*

ASHING, ROBERT, Brewer, Duxford, Cambridgeshire. Nov. 11, at 12; Basinghall-st. *Com. Goulburn. Last Ex.*

BARRY, JOHN, Linen and Woollen Draper, Cashel, Clonmel, Tipperary; also trading at Manchester under style of John Barry & Co. Nov. 16, at 1; Manchester. *Com. Skirrow. Div.*

BEE, FRANCIS, Table Knife Manufacturer, Sheffield. Nov. 14, at 10; Cornhill Hall, Shoreditch. *Com. West. Div.*

BENJAMIN, LEWIS, Fish Merchant, 28 Jewry-st., Aldgate. Nov. 17, at 1; Basinghall-st. *Com. Holroyd. Div.*

BIECH, ANTHONY, Grocer, Birmingham. Nov. 16, at 10; Birmingham. *Com. Balguy. Div.*

GROTTICE, SAMUEL, Hatter, 188 Blackfriars-rd. Nov. 3, at 12.30; Basinghall-st. *Com. Fonblanque. (By Adj. from July 15) Last Ex.*

HIGGINS, CHARLES, Brewer, Bridge-st., Salisbury, Wilts. Nov. 13, at 1; Basinghall-st. *Com. Evans. Div.*

JACKSON, ROBERT, Shipowner and Merchant, 27 Lombard-st. Nov. 13, at 11; Basinghall-st. *Com. Evans. Div.*

LONG, FREDERICK, Warehouseman, 4 King-st., Cheapside; also carrying on business at 29 Ironmonger-la. (Thomas Lamb Atkinson) as Warehouseman; and at 11 Faulkner-st., Manchester (Oliver Long & Co.) as Foreign Agent; and residing at 1 Earl's-ct., Brompton. Nov. 17, at 2; Basinghall-st. *Com. Holroyd. Div.*

MOSS, JOSEPH, Tobacco Manufacturer, Liverpool. Nov. 16, at 11; Liverpool. *Com. Perry. Div.*

REDPATH, LEOPOLD, Dealer in Shares, 27 Chester-ter., Regent's-pk., and of the Gt. Northern Railway Company's Office, King's-cross. Nov. 16, at 12; Basinghall-st. *Com. Goulburn. Div.*

ROBERTSON, HENRY, Commission Agent, 3 St. Michael's-alley, Cornhill. Nov. 4, at 12; Basinghall-st. *Com. Fonblanque. (By adj. from Aug. 18) Last Ex.*

SOTHERN, WILLIAM, Glass Dealer, Liverpool. Nov. 16, at 11; Liverpool. *Com. Perry. Div.*

## DIVIDENDS.

TUESDAY, Oct. 20, 1857.

BETTS, JOHN, Grocer, Bristol. Div. 5s. 9d. *Miller*, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.

CROSFIELD, AARON, Brewer, Tynawr. Final, 3d. *Miller*, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.

DANCE & WANE, Druggists, Fairford. Div. 9s. 9d. *Miller*, 19 St. Augustine's-parade, Bristol; on Wednesday, Oct. 28, or any Thursday, 11 to 1.

DANCE, JOHN, Fairford. Div. 1s. 3d. sep. est. *Miller*, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.

DAWE, JOHN AVERY NANGAWEN, JAMES HODGES COTTRELL, & THOMAS BESHAM, Seed Merchants, Lawrence Pountney-la., Cannon-st., and Moorgate-st. Second, 8d. *Stangfeld*, 10 Basinghall-st.; any Thursday, 11 to 2.

EVANS, JOHN, Bleacher, Spring Vale Works, Whitefield. First, 3s. 3d. *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 to 1.

GAIGER, CHARLES, Draper, Hyde-st., Winchester. First, 4d. *Stangfeld*, 10 Basinghall-st.; any Thursday, 11 to 2.

GATHERCOLE, JAMES, Envelope Manufacturer, Eltham, Kent. Second, 6d. *Stangfeld*, 10 Basinghall-st.; any Thursday, 11 to 2.

MUNDT, HENRY, Ironmonger, Gloucester. Div. 11s. 5d. *Miller*, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.

POILE, ANN SOPHIA, Pawnbroker, late of 26 Bridge-rd., Lambeth, and now of 27 Gt. Suffolk-st., Southwark. First, 5d. *Stangfeld*, 10 Basinghall-st.; any Thursday, 11 to 2.

SANKEE, JOSEPH, Wheelwright, Salford, Lancashire. First, 1s. 14d. *Pott*, 7 Charlotte-st., Manchester; any Tuesday, 11 to 1.

STEPHENS, WILLIAM, Cattle-dealer, Gloucester. Div. 1s. 6d. *Miller*, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.

WEST, JOSEPH, Miller, Beckington. Div. 3s. 4d. *Miller*, 19 St. Augustine's-parade, Bristol; any Wednesday, 11 to 1.

FRIDAY, Oct. 23, 1857.

HAIR, JOHN, Ship and Insurance Broker and Timber Merchant, Newcastle-upon-Tyne. First, 5s. *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

JOHNSTON, WILLIAM, Cartier, Whitehaven. First, 9s. *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

M'KAY, THOMAS CUTHBERT, & JOHN M'KAY, Jun., Hosiers, Newcastle-upon-Tyne. First, 4s. 10d. *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

RICHARDSON, GEORGE DAVY, Ironfounder, Carlisle. First, 10s. *Baker*, Royal-arcade, Newcastle-upon-Tyne; any Saturday, 10 to 3.

TENT, WILLIAM, Hosier, 21 Royal-exchange. First, 2s. 14d. *Lee*, 20 Aldermanbury; next four Wednesdays, 11 to 2.

## CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting.

TUESDAY, Oct. 20, 1857.

ALDEN, ROBERT FORSTER, Timman and Brazier, St. Stephen's-plain, Norwich. Nov. 16, at 11; Basinghall-st.

BRANWORTH, CASTLE, Jun., Grocer, Blackheath-rd., Greenwich, and High-st., Deptford. Nov. 12, at 2; Basinghall-st.

ELLIS, OWEN, Stone and Marble Mason, Liverpool. Nov. 10, at 11; Liverpool.

FOOT, JOSEPH, Builder, Alma-pl., Plymouth. Nov. 12, at 10; Athenæum, Plymouth.

GREENWOOD, THOMAS, & SAMUEL KING, Builders and Contractors, Cannon-st. and St. Anby-st., Devonport; on application of S. King. Nov. 12, at 10; Athenæum, Plymouth.

HOBSON, JOHN OVERTON, Corn Merchant, Long Sutton, Lincolnshire. Nov. 10, at 10.30; Shire-hall, Nottingham.

LEWTON, CHARLES, Publican, Maesteg, Glamorganshire. Nov. 17, at 11; Bristol.

MARSHALL, THOMAS, Boot and Shoe Maker, Hartlepool, Durham. Nov. 13, at 12.30; Royal-arcade, Newcastle-upon-Tyne.

MASON, EDMUND LILLYCRAFT, Innkeeper and Brewer, Old Town-st., Plymouth. Nov. 12, at 10; Athenæum, Plymouth.

MATTHEWS, JOHN, Jun., Statuary and Marble Mason, Union-st., Plymouth, and Union-st., Stonehouse. Nov. 12, at 10; Athenæum, Plymouth.

MELVILLE, HECTOR, Cooper and Ship Joiner, Liverpool. Nov. 10, at 12; Liverpool.

NEALES, GEORGE WILLIAM, Upholsterer, 482 New Oxford-st. Nov. 11, at 1; Basinghall-st.

OXLEY, GEORGE PREVOST, Merchant and Shipowner, Liverpool. Nov. 10, at 11; Liverpool.

FRUDAY, THOMAS DANSON, Tavern-keeper, Clanciarde Tavern, 3 and 7 Rupert-st., Haymarket. Nov. 11, at 2; Basinghall-st.

SHEARROFT, GEORGE, Grocer, Long Sutton. Nov. 10, at 10.30; Shire-hall, Nottingham.

SWAN, JOHN, Merchant, 150 Leadenhall-st. Nov. 11, at 2; Basinghall-st.

STERS, MORRIS ROBERTS, JAMES WALKER, & DANIEL BACKHOUSE STERS (Syers, Walker, & Co.), Merchants, Ball-alley, Lombard-st.; and at Liverpool (Syers, Walker, & Syers). Nov. 11, at 11; Basinghall-st.

## FRIDAY, Oct. 23, 1857.

BRIDGES, JOHN, & CHARLES JOHN CARR, Millwrights, Belper, Derbyshire. Nov. 24, at 10.30; Shirehall, Nottingham.

DAVIES, DAVID, Grocer, Llandilofaw, Carmarthen. Nov. 24, at 11; Bristol.

EVERITT, EDWARD COLE, Plumber and Glazier, East Rudham, Norfolk. Nov. 16, at 12.30; Basinghall-st.

HODGE, JOHN SCAIFE, Miller, Pocklington, Yorkshire. Nov. 13, at 11; Leeds.

M'KEAN, ANDREW, Timber Merchant; lately in copartnership with John Ferrier (M'Kean, Ferrier, & Co.), Southampton. Nov. 16, at 1; Basinghall-st.

OAKES, WILLIAM, Edge Tool Manufacturer, Sheffield. Nov. 14, at 10; Council Hall, Sheffield.

PERRIN, JOHN GOODEX, WILLIAM LIONEL FREESTONE, & SAMUEL WILLIAM TUCKEY, Merchants, 15 Gt. St. Helen's, and 29 Queen-sq., Bristol. J. G. Perrin and S. W. Tuckey are now of 29 Queen-sq., and W. L. Freestone is now of 15 Gt. St. Helen's. On application of the said bankrupts severally. Nov. 17, at 11; Bristol.

SELLERS, GEORGE HENRY, late of Rumbold-st., Liverpool, trading with Hugh Spooner Sands, under style of G. H. Sellers & Co.; and late of Bever-st., New York, under style of Sellers, Sands, & Co., but now of 1 A Westbourne-park-rd., Paddington, Merchant. Nov. 16, at 11.30; Basinghall-st.

SIDDONS, JAMES, Grocer, Sheffield. Nov. 14, at 10; Council-hall, Sheffield.

SIMPSON, ROBERT, Draper, Sedgfield, Durham. Nov. 17, at 1; Royal-arcade, Newcastle-upon-Tyne.

TONGE, JAMES SOTHERN, Commission Agent, Liverpool. Nov. 13, at 11; Liverpool.

WHITE, CHARLES HENRY, China Man and Glass Dealer, Southampton. Nov. 14, at 11.30; Basinghall-st.

WRIGHT, WILLIAM WILD, Grocer, Stockport, Cheshire. Nov. 13, at 1; Manchester.

To be DELIVERED, unless APPEAL be duly entered.

## TUESDAY, Oct. 20, 1857.

BLACKMAN, WILLIAM, Victualler, Railway Tavern, Northfleet, Kent. Oct. 16, 2nd class.

BUSHIE, JOHN, Livery-stable-keeper, 34 New Bond-st. Oct. 16, 2nd class.

CLATTON, THOMAS, & THOMAS SANDERS, Slaters, Liverpool. Oct. 15, 1st class.

DANIEL, GEORGE WYTHE, Hotel and Boarding-house-keeper, and Lunatic Asylum Keeper, Harts, Woodford, Essex. Oct. 16, 2nd class.

DUVAL, CHARLES, Provision Merchant, 9 Crosby-row, Waiworth-rd., Surrey, and Queen's-bldgs., Knightsbridge, Middlesex. Oct. 16, 1st class.

FLEMING, THOMAS, Merchant and Commission Agent, Liverpool. Oct. 16, 2nd class.

GRIMSDALE, WILLIAM HENRY, & THOMAS HART GRIMSDALE, Common Brewer, Uxbridge. Oct. 15, 2nd class; having been suspended four months.

LIDBETTER, WILLIAM HENRY, Corn and Hop Dealer, Tonbridge-wells, Kent. Oct. 16, 2nd class.

LYON, WILLIAM, Butcher, Guildford, Surrey. Oct. 13, 2nd class.

MARTIN, GEORGE HENRY, Tallow-chandler, 84 and 85 Cow Cross-st., St. Sepulchre's, Middlesex, and 10 Cambridge-rd., Dalston. Oct. 12, 2nd class.

MIDDLEWOOD, WILLIAM, & WILLIAM ANDERSON, Joiners and Builders, now or late of Greenheys, Manchester. Oct. 14, 3rd class.

MOLINEUX, SAMUEL, Mill-sawyer, Oliver's-yd., City-rd. Oct. 16, 2nd class.

MEDDIMAN, SAMUEL, Shoe Manufacturer, Northampton. Oct. 15, 2nd class; having been suspended for six months.

PIPER, JOSEPH, Furnishing Ironmonger, 92 High-st. and 4 Spencer-st., Shoreditch. Oct. 16, 2nd class.

RUST, ALFRED, Hosier, 32 Hedge-row, Islington-green. Oct. 16, 2nd class.

SEXBY, JOHN, Builder, 62 Vauxhall-walk, Lambeth. Oct. 16, 1st class.

TRISTHAM, HENRY, Broker, Liverpool. Oct. 14, 2nd class.

WIKELDOX, JOHN, Packing-case and Cabinet Manufacturer, Manchester. Sept. 29, 2nd class.

## FRIDAY, Oct. 23, 1857.

BANTARD, JOHN, Brewer, Royal Sovereign Inn, Shoreham, Sussex. Oct. 17, 2nd class.

BISHOP, ROBERT, Hotel-keeper, Oriental Hotel, Vere-st., Oxford-st. Oct. 20, certificate, having been suspended for three years.

BUNNY, HENRY, Brickmaker and Cattle-dealer, Newbury, Berks. Oct. 17, 2nd class.

COLLINS, CHARLES HAMILTON, Merchant, late of 20 Gt. St. Helen's, now of 1 Winchester-bldgs., Southwark-bridge-rd., Southwark. Oct. 17, 3rd class; having been suspended for twelve months from passing last examination.

COX, HENRY IVIMEY, Grocer, High-st., Stratford, West Ham, Essex. Oct. 19, 2nd class.

DICKSON, JOHN, Warehouseman, 48 Broad-st. Oct. 19, 2nd class.

HOLLAND, HENRY, Builder, Leyland, Lancashire. Oct. 16, 1st class.

JONES, WALLACE ALFRED, Tenderer, 7 Rose-rd., West Brompton, Middlesex. Oct. 15, 2nd class.

LASHMAR, GEORGE, Seed Crusher, 7 Bond-st., Brighton; formerly of Tortington Mills, Arundel. Oct. 20, 2nd class.

ORRARD, ROBERT HENRY, Lead Merchant, 68 Old-st.-rd., Shoreditch. Oct. 17, 1st class.

WALLINGTON, WILLIAM FORD, Tailor, Oxford. Oct. 17, 2nd class.

WOOD, JAMES, Cheese Factor, Shudehill, Manchester. Oct. 16, 2nd class.

## Professional Partnership Dissolved.

## TUESDAY, Oct. 20, 1857.

JACOMB, WILLIAM, & FREDERICK WILLIAM JACOMB, Solicitors and Attorneys-at-Law, Huddersfield, Yorkshire; by mutual consent. Debts paid and received by F. W. Jacomb, at his abode and offices, in Buxton-rd., Huddersfield. Oct. 16.

## Creditors under Estates in Chancery.

## TUESDAY, Oct. 20, 1857.

CHADWICK, WILLIAM (who died in Dec. 1852), Builder and Contractor, late of Grove-pk., Camberwell. Creditors to come in and prove their debts on or before Nov. 7, at Master of the Rolls' Chambers.

## FRIDAY, Oct. 23, 1857.

ROBSON, JOHN (who died on May 17), Coachmaker, 21 South-st., Grosvenor-sq. Creditors to come in and prove their debts on or before Nov. 10, at V. C. Wood's Chambers.

## Assignments for Benefit of Creditors.

## TUESDAY, Oct. 20, 1857.

GOUGH, JOSEPH, Draper, Portishead, Somersetshire. Oct. 10. *Trustees*, G. Sharp, Old-change, and S. Northcote, Watling-st., Warehousemen; both in London. *Sols.* Mason & Sturt, 7 Gresham-st.

HESN, SAMUEL, & THOMAS HADDON, Rivet-makers, Birmingham. Oct. 13. *Trustees*, J. Cornforth, Wire-drawer, Birmingham; J. Tomlinson, Wire-drawer, Dog Pool Mills, Northfield, Worcestershire. *Sol.* Collis, 33 Bennitt's-hill, Birmingham.

HYDE, THOMAS RICHARDSON, Woollendrapier, Chester. Sept. 28. *Trustees*, J. R. Breach, and W. Hall, Cloth Merchants, Leeds. *Sol.* Smith, 4 Park-row, Leeds.

MAREDALE, FRANCIS HENRY, Draper, Aberavon, Glamorganshire. Oct. 5. *Trustees*, J. T. Stuttard, Wood-st., and S. Wroford, Aldermanbury, Warehousemen; both in London. *Sols.* Mason & Sturt, 7 Gresham-st.

## FRIDAY, Oct. 23, 1857.

HALE, CHARLES SOLOMON, Tailor, 43 and 44 Myddleton-st., Clerkenwell. Oct. 15. *Trustees*, J. Hopkins, Woollen Warehouseman, Shoreditch; D. S. Pigott, Button Manufacturer, Gresham-st. *Sol.* Scott, 4 Skinner-st., Snow-hill.

LYNOTT, MICHAEL, Draper, Liverpool. Oct. 2. *Trustee*, W. C. Bird, Manchester. *Sols.* Sale, Worthington, & Shipman, 64 Fountain-st., Manchester.

MCHILLIYAN, FARQUHAR, Draper, Merthyr Tydfil, Glamorganshire. Oct. 17. *Trustees*, R. M'Master, Shipowner, Pembroke Dock, Pembroke-shire; R. Southall (Southall & Ponsford), Woollen Manufacturer, King-st., Chesapeake. *Sol.* Bell, 9 Bow-churchyard.

SMITH, THOMAS, Builder, Nottingham. Oct. 17. *Trustees*, J. Edwards, Timber Merchant, Nottingham; T. Danks, Iron Merchant, Nottingham. *Sols.* Percy & Goodall, Nottingham.

TREWICK, JOSEPH, Draper, South Shields. Oct. 12. *Trustee*, T. Y. Strachan, Agent, South Shields. *Sol.* Wawn, Jun., 76 King-st., South Shields.

## Winding-up of Joint Stock Companies.

## LIMITED, IN BANKRUPTCY.

## TUESDAY, Oct. 20, 1857.

GROUX'S IMPROVED SOAP COMPANY (Limited).—A petition for the winding up of this Company has been presented by a contributory, and will be heard before Mr. Com. Fonblanque, on Oct. 28, at 11.

HOUSEHOLDERS' GENUINE BREAD AND FLOUR COMPANY (Limited).—A petition for the winding up of this Company was presented on Oct. 14, and will be heard by Mr. Com. Holroyd, on Nov. 12, at 11.

## UNLIMITED, IN CHANCERY.

## FRIDAY, Oct. 23, 1857.

RISH BEET SUGAR COMPANY.—A petition for the dissolution and winding up of this Company was presented on Oct. 13, to the Lord High Chancellor of Ireland, by Henry Barton, Gent., which will be heard before the Master of the Rolls on Nov. 4.—Reeves, Sol., 8 Upper Gloucester-st., Dublin.

## Scotch Sequestrations.

## TUESDAY, Oct. 20, 1857.

CRAIG, JOHN, jun., Papermaker and Coalmaster, Moffat Mills, near Airdrie. Oct. 27, at 12, Globe Hotel, George-sq., Glasgow. *Seq.* Oct. 15.

HOFFMAN, JOHN RUPARTIS, Plane and Edge-tool Manufacturer, Lothian-rd., Edinburgh. Oct. 24, at 12, Stevenson's-rooms, 4 St. Andrew-sq., Edinburgh. *Seq.* Oct. 15.

M'MILLAN, WILLIAM, Boot and Shoe Dealer, Barrhead, Renfrewshire. Oct. 26, at 2, Dodd's Hotel, County-pl., Paisley. *Seq.* Oct. 16.

NEILL, ROBERT, Coach Proprietor, late of 4 Albany-st., now of Old Broughton, Broughton-markets, Edinburgh. Oct. 23, at 2, Dowells & Lyon's Sale-rooms, 18 George-st., Edinburgh. *Seq.* Oct. 14.

## FRIDAY, Oct. 23, 1857.

GUTHRIE, WILLIAM, Wright, Ballendrick, Dunbarney, Perthshire. Oct. 28, at 12; Procurator's Library, Perth. *Seq.* Oct. 16.

LAIRD, ROBERT, WILLIAM THOMSON, & WILLIAM SMITH, Merchants, Glasgow and Paisley. Oct. 30, at 1; Globe Hotel, George-sq., Glasgow. *Seq.* Oct. 17.

MILLAR, LEANDER (Leander, Millar, & Co.), Lace and Sewed Muslin Merchant, Glasgow. Oct. 28, at 12; Globe Hotel, George-sq., Glasgow. *Seq.* Oct. 19.

SHIBRA, JAMES, Draper, Stirling. Oct. 29, at 11; Campbell's Golden Lion Hotel, Stirling. *Seq.* Oct. 17.

SMITH, WILLIAM, & GEORGE LANCASTER (W. Smith & Co.), Calico Printers, Glasgow. Oct. 30, at 12, Procurator's-hall, St. George's-pl., Glasgow. *Seq.* Oct. 21.

STEPHENS, JOHN EDWARD, Northumberland-st., Edinburgh, formerly Banker; lately of Gothic-lodge, Twickenham, Middlesex; and also a Partner of the Branksa Clay Company, London, and Poole, Dorsetshire; also Partner of "Letts' Wharf," carrying on business as Sawyers and Timber Merchants, Commercial-rd., Lambeth; and also lately a Partner of "Minter & Co.," Upholsters, Frith-st., Soho-sq. Oct. 28, at 2, Stevenson's-rooms, St. Andrew-sq., Edinburgh. *Seq.* Oct. 19.

SUTHERLAND, JAMES NOBLE, Plumber and Lead Merchant, Glasgow. Oct. 30, at 12, Faculty-hall, St. George's-pl., Glasgow. *Seq.* Oct. 26.

WILSON, WILLIAM, Draper, Keith, Banff, now deceased. Oct. 30, at 1, Gordon's Arms, Inn, Keith. *Seq.* Oct. 21.

